

THIRTY FIRST DAY

MORNING SESSION

Senate Chamber, Olympia
 Wednesday, February 9, 2022

The Senate was called to order at 10:00 o'clock a.m. by the Vice President Pro Tempore, Senator Lovick presiding. The acting Secretary called the roll and announced to the President Pro Tempore that all Senators were present.

The Washington State Patrol Honor Guard presented the Colors.

Miss Finley Kochaniewicz, Mr. Thomas Kochaniewicz, Miss Sally Kochaniewicz, and Mr. Seamus Kochaniewicz led the Senate in the Pledge of Allegiance and are the children of Mr. Sean Kochaniewicz, Reading Clerk of the Senate.

The prayer was offered by Reverend Dr. Troy Lynn Carr of United Methodist Church, Seattle.

MOTIONS

On motion of Senator Pedersen, the reading of the Journal of the previous day was dispensed with and it was approved.

On motion of Senator Pedersen, the Senate advanced to the fourth order of business.

MESSAGE FROM THE HOUSE

February 8, 2022

MR. PRESIDENT:

The House has passed:

- SUBSTITUTE HOUSE BILL NO. 1593,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1689,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1699,
- SUBSTITUTE HOUSE BILL NO. 1701,
- SUBSTITUTE HOUSE BILL NO. 1759,
- HOUSE BILL NO. 1785,
- SUBSTITUTE HOUSE BILL NO. 1794,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1821,
- HOUSE BILL NO. 1825,
- SUBSTITUTE HOUSE BILL NO. 1867,
- HOUSE BILL NO. 1888,
- SUBSTITUTE HOUSE BILL NO. 1901,
- HOUSE BILL NO. 1907,
- HOUSE BILL NO. 1920,
- HOUSE BILL NO. 1927,
- SUBSTITUTE HOUSE BILL NO. 1955,
- ENGROSSED HOUSE BILL NO. 1973,
- SUBSTITUTE HOUSE BILL NO. 2046,
- SUBSTITUTE HOUSE BILL NO. 2057,

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

MOTION

On motion of Senator Pedersen, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 5973 by Senator Stanford

AN ACT Relating to the unlawful trade of fur products; adding a new chapter to Title 16 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Agriculture, Water, Natural Resources & Parks.

SB 5974 by Senators Liias, Saldaña, Carlyle, Cleveland, Das, Dhingra, Hunt, Kuderer, Lovelett, Lovick, Mullet, Nguyen, Nobles, Salomon, Trudeau, Wellman and Wilson, C.

AN ACT Relating to transportation resources; amending RCW 70A.65.240, 70A.65.030, 70A.65.040, 82.38.020, 82.38.030, 82.38.035, 82.38.180, 82.42.020, 46.17.200, 46.17.120, 46.17.400, 46.52.130, 46.17.015, 46.17.025, 46.20.200, 46.68.041, 46.70.180, 82.32.385, 82.08.993, 82.12.817, 82.08.9999, 82.12.9999, 82.04.4496, 82.16.0496, 82.08.816, 82.12.816, 82.70.040, 82.70.050, 82.21.030, 43.84.092, 43.84.092, 82.47.020, 35.21.870, 36.73.065, 82.14.0455, 70A.535.010, 70A.535.030, 70A.535.040, 70A.535.050, 70A.535.120, 46.63.170, 46.63.170, and 70A.65.230; amending 2020 c 224 s 3 (uncodified); reenacting and amending RCW 46.20.202; adding new sections to chapter 46.68 RCW; adding a new section to chapter 82.38 RCW; adding a new section to chapter 70A.535 RCW; adding a new section to chapter 43.330 RCW; adding new sections to chapter 47.66 RCW; adding new sections to chapter 47.04 RCW; adding a new section to chapter 47.24 RCW; adding a new section to chapter 47.60 RCW; adding a new section to chapter 47.56 RCW; adding a new chapter to Title 43 RCW; creating new sections; repealing RCW 70A.535.020; prescribing penalties; providing effective dates; providing expiration dates; and declaring an emergency.

Referred to Committee on Transportation.

SB 5975 by Senators Liias, Randall, Carlyle, Cleveland, Das, Dhingra, Hunt, Kuderer, Lovelett, Lovick, Mullet, Nguyen, Nobles, Rolfes, Salomon, Trudeau, Wellman and Wilson, C.

AN ACT Relating to additive transportation funding and appropriations; creating new sections; making appropriations; and declaring an emergency.

Referred to Committee on Transportation.

MOTIONS

On motion of Senator Pedersen, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

On motion of Senator Pedersen, the Senate advanced to the eighth order of business.

MOTION

Senator Sefzik moved adoption of the following resolution:

SENATE RESOLUTION
 8642

By Senators Sefzik, Lovelett, J. Wilson, Hasegawa, McCune, Nguyen, Randall, and Saldaña

WHEREAS, The Washington state commercial fishing fleet begins leaving in May 2022 for the Pacific and Alaskan waters; and

WHEREAS, The Blessing of the Fleet will occur in Blaine Harbor on May 1, 2022; and

WHEREAS, The commercial fishing industry has been a long tradition in the state of Washington, and is an integral aspect of economic life for many families; and

WHEREAS, The danger and hardship of fishers on the high seas requires bravery, courage, and fortitude from the people who risk their lives to harvest the ocean's resources; and

WHEREAS, The risks involved with fishing too often take the lives of the brave men and women who choose to work on the sea; and

WHEREAS, The tragedy of losing our friends and neighbors on the high seas impacts not only the close community of fishing families, but also our entire state;

NOW, THEREFORE, BE IT RESOLVED, That the Washington state Senate extend its condolences to the families and friends of all our fishers who have lost their lives at sea, wish the entire commercial fishing fleet a safe and prosperous season, and express its hope that all our fishers will return home safely to their families, friends, and communities.

Senators Sefzik, Saldaña, Lovelett and McCune spoke in favor of adoption of the resolution.

MOTION

On motion of Senator Wagoner, Senator Sheldon was excused.

The Vice President Pro Tempore declared the question before the Senate to be the adoption of Senate Resolution No. 8642.

The motion by Senator Sefzik carried and the resolution was adopted by voice vote.

MOTION

At 10:16 a.m., on motion of Senator Pedersen, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 11:58 a.m. by the Vice President Pro Tempore, Senator Lovick presiding.

MOTION

On motion of Senator Pedersen, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

February 8, 2022

MR. PRESIDENT:

The House has passed:

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1153,

and the same is herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

MOTION

On motion of Senator Pedersen, the Senate advanced to the seventh order of business.

THIRD READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Wilson, C. moved that Jilma L. Meneses, Senate Gubernatorial Appointment No. 9377, be confirmed as a Director of the Department of Social and Health Services.

Senators Wilson, C. and Gildon spoke in favor of passage of the motion.

MOTIONS

On motion of Senator Wagoner, Senator Wilson, L. was excused.

On motion of Senator Randall, Senators Liias and Rolfes were excused.

APPOINTMENT OF JILMA L. MENESES

The Vice President Pro Tempore declared the question before the Senate to be the confirmation of Jilma L. Meneses, Senate Gubernatorial Appointment No. 9377, as a Director of the Department of Social and Health Services.

The acting Secretary called the roll on the confirmation of Jilma L. Meneses, Senate Gubernatorial Appointment No. 9377, as a Director of the Department of Social and Health Services and the appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C. and Wilson, J.

Excused: Senators Sheldon and Wilson, L.

Jilma L. Meneses, Senate Gubernatorial Appointment No. 9377, having received the constitutional majority was declared confirmed as a Director of the Department of Social and Health Services.

THIRD READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Holy moved that Auriana S. Mitchell, Senate Gubernatorial Appointment No. 9300, be confirmed as a member of the Eastern Washington University Board of Trustees.

Senator Holy spoke in favor of the motion.

APPOINTMENT OF AURIANA S. MITCHELL

The Vice President Pro Tempore declared the question before the Senate to be the confirmation of Auriana S. Mitchell, Senate Gubernatorial Appointment No. 9300, as a member of the Eastern Washington University Board of Trustees.

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The acting Secretary called the roll on the confirmation of Auriana S. Mitchell, Senate Gubernatorial Appointment No. 9300, as a member of the Eastern Washington University Board of Trustees and the appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C. and Wilson, J.

Excused: Senators Sheldon and Wilson, L.

Auriana S. Mitchell, Senate Gubernatorial Appointment No. 9300, having received the constitutional majority was declared confirmed as a member of the Eastern Washington University Board of Trustees.

THIRD READING

SUBSTITUTE SENATE BILL NO. 5332, by Senate Committee on Transportation (originally sponsored by Padden)

Clarifying equipment requirements for wheeled all-terrain vehicles.

The bill was read on Third Reading.

Senator Padden spoke on final passage of the bill.

MOTION

On motion of Senator Pedersen, further consideration of Substitute Senate Bill No. 5332 was deferred, and the bill held its place on the third reading calendar.

On motion of Senator Pedersen, the Senate reverted to the sixth order of business.

SECOND READING

SENATE BILL NO. 5750, by Senators Wilson, C. and Kuderer

Designating the Washington state leadership board a trustee of the state of Washington.

The measure was read the second time.

MOTION

On motion of Senator Wilson, C., the rules were suspended, Senate Bill No. 5750 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Wilson, C. and King spoke in favor of passage of the bill.

The Vice President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 5750.

ROLL CALL

The acting Secretary called the roll on the final passage of Senate Bill No. 5750 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C. and Wilson, J.

Excused: Senators Sheldon and Wilson, L.

SENATE BILL NO. 5750, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Pedersen, the Senate advanced to the seventh order of business.

The Senate resumed consideration of Substitute Senate Bill No. 5332 which had been deferred earlier in the day.

THIRD READING

SUBSTITUTE SENATE BILL NO. 5332, by Senate Committee on Transportation (originally sponsored by Padden)

Clarifying equipment requirements for wheeled all-terrain vehicles.

MOTION

On motion of Senator Pedersen, the rules were suspended and Substitute Senate Bill No. 5332 was returned to second reading for the purposes of amendment.

MOTIONS

On motion of Senator Pedersen, Second Substitute Senate Bill No. 5332 was substituted for Substitute Senate Bill No. 5332 and the second substitute bill was placed on the second reading and read the second time.

SECOND SUBSTITUTE SENATE BILL NO. 5332, by Senate Committee on Transportation (originally sponsored by Padden)

Revised for 2nd Substitute: Concerning off-road and wheeled all-terrain vehicles.

On motion of Senator Pedersen, the rules were suspended, Second Substitute Senate Bill No. 5332 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Padden, Liias and Pedersen spoke in favor of passage of the bill.

The Vice President Pro Tempore declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5332.

ROLL CALL

The acting Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5332 and the bill passed the Senate by the following vote:

Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C. and Wilson, J.

Excused: Senators Sheldon and Wilson, L.

SECOND SUBSTITUTE SENATE BILL NO. 5332, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Pedersen, the Senate reverted to the sixth order of business.

SECOND READING

SENATE BILL NO. 5898, by Senators Liias, King and Saldaña

Concerning the use of vehicle-related fees to fulfill certain state general obligation bonds.

The measure was read the second time.

MOTION

On motion of Senator Liias, the rules were suspended, Senate Bill No. 5898 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Liias and King spoke in favor of passage of the bill.

The Vice President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 5898.

ROLL CALL

The acting Secretary called the roll on the final passage of Senate Bill No. 5898 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C. and Wilson, J.

Excused: Senators Sheldon and Wilson, L.

SENATE BILL NO. 5898, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5534, by Senators Brown and Wagoner

Concerning the use of verifiable credentials.

The measure was read the second time.

MOTION

On motion of Senator Wilson, C., Senator Nguyen was excused.

MOTION

On motion of Senator Brown, the rules were suspended, Senate Bill No. 5534 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Brown and Carlyle spoke in favor of passage of the bill.

MOTION

On motion of Senator Randall, Senator Liias was excused.

The Vice President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 5534.

ROLL CALL

The acting Secretary called the roll on the final passage of Senate Bill No. 5534 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lovelett, Lovick, McCune, Mullet, Muzzall, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C. and Wilson, J.

Excused: Senators Liias, Nguyen, Sheldon and Wilson, L.

SENATE BILL NO. 5534, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5862, by Senators Lovelett, Rivers, Fortunato, Gildon, Kuderer, Lovick, Nguyen, Nobles, Stanford, Wilson, C. and Wilson, J.

Concerning technical changes to the commercial property assessed clean energy and resiliency program.

MOTIONS

On motion of Senator Lovelett, Substitute Senate Bill No. 5862 was substituted for Senate Bill No. 5862 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Lovelett, the rules were suspended, Substitute Senate Bill No. 5862 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Lovelett and Fortunato spoke in favor of passage of the bill.

The Vice President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5862.

ROLL CALL

The acting Secretary called the roll on the final passage of

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Substitute Senate Bill No. 5862 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lovelett, Lovick, McCune, Mullet, Muzzall, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C. and Wilson, J.

Excused: Senators Liias, Nguyen, Sheldon and Wilson, L.

SUBSTITUTE SENATE BILL NO. 5862, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 12:43 p.m., on motion of Senator Pedersen, the Senate was declared to be at ease subject to the call of the President.

AFTERNOON SESSION

The Senate was called to order at 2:02 p.m. by the Vice President Pro Tempore, Senator Lovick presiding.

SECOND READING

SENATE BILL NO. 5940, by Senator King

Creating a liquor license endorsement.

The measure was read the second time.

MOTION

On motion of Senator King, the rules were suspended, Senate Bill No. 5940 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators King and Keiser spoke in favor of passage of the bill.

The Vice President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 5940.

ROLL CALL

The acting Secretary called the roll on the final passage of Senate Bill No. 5940 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Saldaña, Salomon, Schoesler, Sefzik, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Absent: Senator Rolfes

Excused: Senator Sheldon

SENATE BILL NO. 5940, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5761, by Senators Randall, Keiser, Nguyen, Nobles, Saldaña, Stanford, Wellman and Wilson, C.

Concerning employer requirements for providing wage and salary information to applicants for employment.

MOTIONS

On motion of Senator Randall, Substitute Senate Bill No. 5761 was substituted for Senate Bill No. 5761 and the substitute bill was placed on the second reading and read the second time.

Senator Randall moved that the following amendment no. 1039 by Senator Randall be adopted:

On page 1, line 13, after "applicant" insert ". For the purposes of this section, "posting" means any solicitation intended to recruit job applicants for a specific available position, including recruitment done directly by an employer or indirectly through a third party, and includes any postings done electronically, or with a printed hard copy, that includes qualifications for desired applicants"

Senator Randall spoke in favor of adoption of the amendment.

The Vice President Pro Tempore declared the question before the Senate to be the adoption of amendment no. 1039 by Senator Randall on page 1, line 13 to Substitute Senate Bill No. 5761.

The motion by Senator Randall carried and amendment no. 1039 was adopted by voice vote.

MOTION

On motion of Senator Randall, the rules were suspended, Engrossed Substitute Senate Bill No. 5761 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Randall, Keiser, Wellman, Trudeau and Conway spoke in favor of passage of the bill.

Senators King, Fortunato, Sefzik and Braun spoke against passage of the bill.

The Vice President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5761.

ROLL CALL

The acting Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5761 and the bill passed the Senate by the following vote: Yeas, 27; Nays, 21; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Das, Dhingra, Frockt, Hasegawa, Hunt, Keiser, Kuderer, Liias, Lovelett, Lovick, Nguyen, Nobles, Pedersen, Randall, Robinson, Rolfes, Saldaña, Salomon, Stanford, Trudeau, Van De Wege, Wellman and Wilson, C.

Voting nay: Senators Braun, Brown, Dozier, Fortunato, Gildon, Hawkins, Holy, Honeyford, King, McCune, Mullet, Muzzall, Padden, Rivers, Schoesler, Sefzik, Short, Wagoner, Warnick, Wilson, J. and Wilson, L.

Excused: Senator Sheldon

ENGROSSED SUBSTITUTE SENATE BILL NO. 5761, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand

as the title of the act.

SECOND READING

SENATE BILL NO. 5873, by Senators Keiser, Billig, Conway, Das, Dhingra, King, Kuderer, Liias, Lovick, Mullet, Nguyen, Nobles, Randall, Robinson, Rolfes, Stanford and Wilson, C.

Concerning unemployment insurance, family leave, and medical leave premiums.

MOTION

On motion of Senator Keiser, Substitute Senate Bill No. 5873 was substituted for Senate Bill No. 5873 and the substitute bill was placed on the second reading and read the second time.

SUBSTITUTE SENATE BILL NO. 5873, by Senators Keiser, Billig, Conway, Das, Dhingra, King, Kuderer, Liias, Lovick, Mullet, Nguyen, Nobles, Randall, Robinson, Rolfes, Stanford and Wilson, C.

Revised for Substitute: Concerning unemployment insurance.

Senator Keiser moved that the following amendment no. 990 by Senator Keiser be adopted:

On page 1, line 1 of the title, after "to" strike "unemployment insurance" and insert "the social cost factor in unemployment insurance premiums"

Senator Keiser spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 990 by Senator Keiser on page 1, line 1 to Substitute Senate Bill No. 5873.

The motion by Senator Keiser carried and amendment no. 990 was adopted by voice vote.

MOTION

On motion of Senator Keiser, the rules were suspended, Engrossed Substitute Senate Bill No. 5873 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser, King, Mullet and Conway spoke in favor of passage of the bill.

The Vice President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5873.

ROLL CALL

The acting Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5873 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Voting nay: Senator Hasegawa

ENGROSSED SUBSTITUTE SENATE BILL NO. 5873, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5868, by Senators Hawkins, Kuderer, Braun, Fortunato, Lovelett, Nguyen, Nobles, Salomon, Trudeau and Warnick

Expanding the use of the rural counties public facilities sales and use tax to include affordable workforce housing.

The measure was read the second time.

MOTION

On motion of Senator Hawkins, the rules were suspended, Senate Bill No. 5868 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hawkins and Kuderer spoke in favor of passage of the bill.

The Vice President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 5868.

ROLL CALL

The acting Secretary called the roll on the final passage of Senate Bill No. 5868 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 8; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hawkins, Holy, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Lovick, McCune, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Salomon, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Voting nay: Senators Carlyle, Hasegawa, Honeyford, Mullet, Robinson, Rolfes, Saldaña and Schoesler

SENATE BILL NO. 5868, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5564, by Senators Keiser, Kuderer, Conway, Hunt, Lovick, Randall, Stanford and Wilson, C.

Protecting the confidentiality of employees using employee assistance programs.

MOTIONS

On motion of Senator Keiser, Substitute Senate Bill No. 5564 was substituted for Senate Bill No. 5564 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Keiser, the rules were suspended, Substitute Senate Bill No. 5564 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser and King spoke in favor of passage of the bill.

MOTION

The Vice President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5564.

At 3:00 p.m., on motion of Senator Pedersen, the Senate was declared to be at ease subject to the call of the President.

ROLL CALL

The acting Secretary called the roll on the final passage of Substitute Senate Bill No. 5564 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 4; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Hunt, Keiser, King, Kuderer, Lias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Voting nay: Senators Honeyford, Padden, Schoesler and Wagoner

SUBSTITUTE SENATE BILL NO. 5564, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5566, by Senators Kuderer, Lovelett, Das, Dhingra, Fortunato, Nguyen, Saldaña and Wilson, C.

Expanding eligibility for the independent youth housing program.

The measure was read the second time.

MOTION

On motion of Senator Kuderer, the rules were suspended, Senate Bill No. 5566 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kuderer, Fortunato and Lovelett spoke in favor of passage of the bill.

The Vice President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 5566.

ROLL CALL

The acting Secretary called the roll on the final passage of Senate Bill No. 5566 and the bill passed the Senate by the following vote: Yeas, 37; Nays, 12; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Hunt, Keiser, Kuderer, Lias, Lovelett, Lovick, Mullet, Muzzall, Nguyen, Nobles, Pedersen, Randall, Robinson, Rolfes, Saldaña, Salomon, Sefzik, Sheldon, Stanford, Trudeau, Van De Wege, Warnick, Wellman and Wilson, C.

Voting nay: Senators Braun, Brown, Honeyford, King, McCune, Padden, Rivers, Schoesler, Short, Wagoner, Wilson, J. and Wilson, L.

SENATE BILL NO. 5566, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The Senate was called to order at 3:08 p.m. by the President Pro Tempore, Senator Keiser presiding.

SECOND READING

SENATE BILL NO. 5863, by Senators Saldaña, Lias, Lovick, Nguyen and Wilson, C.

Concerning the removal of vehicles by a regional transit authority when obstructing the operation of high capacity transportation vehicles or jeopardizing public safety.

MOTIONS

On motion of Senator Pedersen, Substitute Senate Bill No. 5863 was substituted for Senate Bill No. 5863 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Saldaña, the rules were suspended, Substitute Senate Bill No. 5863 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Saldaña and King spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5863.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5863 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Voting nay: Senator Hasegawa

SUBSTITUTE SENATE BILL NO. 5863, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5856, by Senators Wilson, J. and Wilson, L.

Concerning transfers of firearms to museums and historical societies.

MOTIONS

On motion of Senator Dhingra, Substitute Senate Bill No. 5856 was substituted for Senate Bill No. 5856 and the substitute bill

was placed on the second reading and read the second time.

On motion of Senator Dhingra, the rules were suspended, Substitute Senate Bill No. 5856 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Gildon and Dhingra spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5856.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5856 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sezik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

SUBSTITUTE SENATE BILL NO. 5856, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5931, by Senators Wagoner and Dhingra

Concerning appointment of judges pro tempore in the court of appeals.

The measure was read the second time.

MOTION

On motion of Senator Wagoner, the rules were suspended, Senate Bill No. 5931 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Wagoner and Dhingra spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 5931.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5931 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sezik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

SENATE BILL NO. 5931, having received the constitutional

majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5596, by Senators Trudeau, Frockt, Dhingra, Nobles and Wilson, C.

Conforming disclosure restrictions for mental health counselors, marriage and family therapists, and social workers to the requirements of the Uniform Health Care Information Act.

The measure was read the second time.

MOTION

On motion of Senator Trudeau, the rules were suspended, Senate Bill No. 5596 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Trudeau spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 5596.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5596 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sezik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

SENATE BILL NO. 5596, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5628, by Senators Dhingra, Frockt, Kuderer, Stanford, Trudeau, Wellman and Wilson, C.

Concerning cyber harassment, addressing concerns in the case of Rynearson v. Ferguson, and adding a crime of cyberstalking.

MOTION

On motion of Senator Dhingra, Substitute Senate Bill No. 5628 was substituted for Senate Bill No. 5628 and the substitute bill was placed on the second reading and read the second time.

MOTION

On motion of Senator Pedersen, further consideration of Substitute Senate Bill No. 5628 was deferred, and the bill held its place on the second reading calendar.

SECOND READING

SENATE BILL NO. 5609, by Senators Trudeau, Wilson, C.,

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Das, Hasegawa, Nguyen, Nobles and Stanford

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Eliminating fingerprinting at juvenile dispositions.

The measure was read the second time.

MOTION

Senator Fortunato moved that the following amendment no. 1041 by Senator Fortunato be adopted:

Beginning on page 1, line 4, strike all of section 1 and insert the following:

"**Sec. 1.** RCW 10.64.110 and 2021 c 311 s 20 are each amended to read as follows:

(1) Following June 15, 1977, except as provided in subsection (3) of this section, there shall be affixed to the original of every judgment and sentence of a felony conviction in every court in this state and every order adjudicating a juvenile to be a delinquent based upon conduct which would be a felony if committed by an adult, a fingerprint of the defendant or juvenile who is the subject of the order. When requested by the clerk of the court, the actual affixing of fingerprints shall be done by a representative of the office of the county sheriff or the Washington state patrol. For juvenile cases, fingerprints may not be taken by a court clerk or other juvenile court staff unless the person taking the fingerprints is certified or trained in fingerprinting techniques that ensure usability and efficacy for later use.

(2) The clerk of the court shall attest that the fingerprints appearing on the judgment in sentence, order of adjudication of delinquency, or docket, is that of the individual who is the subject of the judgment or conviction, order, or docket entry.

(3) Amended judgment and sentences issued pursuant to *State v. Blake*, No. 96873-0 (Feb. 25, 2021), are exempt from the fingerprinting requirements in subsection (1) of this section when there are no additional offenses of conviction from the original judgment and sentence and the defendant is in custody in a correctional facility. In such cases, the amended judgment and sentence shall reference the original judgment and sentence and the fingerprints affixed thereto."

Senator Fortunato spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1041 by Senator Fortunato on page 1, line 4 to Senate Bill No. 5609.

The motion by Senator Fortunato did not carry and amendment no. 1041 was not adopted by voice vote.

MOTION

On motion of Senator Trudeau, the rules were suspended, Senate Bill No. 5609 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Trudeau and Gildon spoke in favor of passage of the bill.

Senator Padden spoke against passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 5609.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5609 and the bill passed the Senate by the following vote: Yeas, 29; Nays, 20; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Das, Dhingra, Frockt, Gildon, Hasegawa, Hunt, Keiser, Kuderer, Lias, Lovelett, Lovick, Mullet, Nguyen, Nobles, Pedersen, Randall, Robinson, Rolfes, Saldaña, Salomon, Stanford, Trudeau, Van De Wege, Wellman and Wilson, C.

Voting nay: Senators Braun, Brown, Dozier, Fortunato, Hawkins, Holy, Honeyford, King, McCune, Muzzall, Padden, Rivers, Schoesler, Sefzik, Sheldon, Short, Wagoner, Warnick, Wilson, J. and Wilson, L.

SENATE BILL NO. 5609, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5728, by Senators Holy, Dhingra and Nobles

Concerning the state's portion of civil asset forfeiture collections.

MOTIONS

On motion of Senator Holy, Substitute Senate Bill No. 5728 was substituted for Senate Bill No. 5728 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Holy, the rules were suspended, Substitute Senate Bill No. 5728 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Holy and Rolfes spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5728.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5728 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Voting nay: Senator Hasegawa

SUBSTITUTE SENATE BILL NO. 5728, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5729, by Senators Nguyen, Das, Hasegawa, Kuderer, Nobles, Robinson, Saldaña, Stanford, Trudeau and Wilson, C.

Creating a good cause exception to administrative hearing deadlines for applicants or recipients of certain public assistance benefits.

MOTIONS

On motion of Senator Nguyen, Substitute Senate Bill No. 5729 was substituted for Senate Bill No. 5729 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Nguyen, the rules were suspended, Substitute Senate Bill No. 5729 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Nguyen and Gildon spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5729.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5729 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

SUBSTITUTE SENATE BILL NO. 5729, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5531, by Senators Pedersen, Wilson, L. and Mullet

Concerning the revised uniform unclaimed property act.

MOTION

On motion of Senator Pedersen, Substitute Senate Bill No. 5531 was substituted for Senate Bill No. 5531 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Pedersen moved that the following amendment no. 1010 by Senator Pedersen be adopted:

On page 9, beginning on line 2, after "arose" strike all material through "certificate" on line 3

On page 16, line 2, after "(1)" insert "In this section, "death master file" means the United States social security administration death master file or other database or service that is at least as comprehensive as the United States social security administration death master file for determining that an individual reportedly has died.

(2)"

Renumber the remaining subsections consecutively and correct

any internal references accordingly.

Senator Pedersen spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1010 by Senator Pedersen on page 9, line 2 to Substitute Senate Bill No. 5331.

The motion by Senator Pedersen carried and amendment no. 1010 was adopted by voice vote.

MOTION

Senator Pedersen moved that the following amendment no. 1025 by Senator Pedersen be adopted:

On page 16, line 16, after "death;" strike "or"

On page 16, line 17, after "(d)" insert "(i) The administrator or the administrator's agent conducts a comparison for the purpose of finding matches during an examination conducted under sections 1001 through 1013 of this act between a death master file and the names of some or all of the company's insureds or annuitants, finds a match that provides notice that the insured or annuitant has died, and the company validates the death.

(ii) The administrator or the administrator's agent may not exercise the authority provided in (d)(i) of this subsection (1) when the company has conducted a death master file comparison, relevant to the period under examination, in accordance with (c) of this subsection (1) and subsection (2) of this section; or (e)"

Correct any internal references accordingly.

On page 16, line 24, after "(c)" insert "and (d)"

Senator Pedersen spoke in favor of adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of amendment no. 1025 by Senator Pedersen on page 16, line 16 to Substitute Senate Bill No. 5531.

The motion by Senator Pedersen carried and amendment no. 1025 was adopted by voice vote.

MOTION

On motion of Senator Pedersen, the rules were suspended, Engrossed Substitute Senate Bill No. 5531 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Pedersen and Wilson, L. spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5531.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5531 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5531,

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having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

breathing. Thank you so much.”

SECOND READING

REPLY BY THE PRESIDENT PRO TEMPORE

SENATE BILL NO. 5710, by Senators Padden and Wilson, L.

Reducing contamination in the state toxicology laboratory.

President Pro Tempore Keiser: “Senator Carlyle, your point is well taken and we will ask our Senate staff to work with us to improve our air quality and open our doors for the time while we are out of the chamber. Thank you very much for your suggestion.”

MOTIONS

MOTION

On motion of Senator Padden, Substitute Senate Bill No. 5710 was substituted for Senate Bill No. 5710 and the substitute bill was placed on the second reading and read the second time.

At 4:10 p.m., on motion of Senator Pedersen, the Senate was declared to be at ease subject to the call of the President.

On motion of Senator Padden, the rules were suspended, Substitute Senate Bill No. 5710 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Padden and Dhingra spoke in favor of passage of the bill.

The Senate was called to order at 6:41 p.m. by the President Pro Tempore, Senator Keiser presiding.

MOTION

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5710.

On motion of Senator Pedersen, the Senate advanced to the seventh order of business.

ROLL CALL

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5710 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

MOTION

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Senator Frockt moved that Phyllis Gutierrez Kenney, Senate Gubernatorial Appointment No. 9217, be confirmed as a member of the State Board for Community and Technical Colleges.

Senators Frockt, Holy and Conway spoke in favor of passage of the motion.

APPOINTMENT OF PHYLLIS GUTIERREZ KENNEY

SUBSTITUTE SENATE BILL NO. 5710, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The President Pro Tempore declared the question before the Senate to be the confirmation of Phyllis Gutierrez Kenney, Senate Gubernatorial Appointment No. 9217, as a member of the State Board for Community and Technical Colleges.

MOTION

The Secretary called the roll on the confirmation of Phyllis Gutierrez Kenney, Senate Gubernatorial Appointment No. 9217, as a member of the State Board for Community and Technical Colleges and the appointment was confirmed by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Senator Pedersen moved the Senate be at ease subject to the call of the President.

Senator Hasegawa announced a meeting of the Democratic Caucus.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Senator Warnick announced a meeting of the Republican Caucus.

Voting nay: Senator Van De Wege

POINT OF INQUIRY

Senator Carlyle: “Madam President, I understand we are taking a modest break for dinner, I appreciate that. I wonder if the gracious President Pro Tempore could be so kind as to consider the possibility that upon our return this evening, that there might be a slight chance to increase the quality of air internally by allowing some of the doors to be open into the evening. I realize there is just a handful of folks in the peoples’ chamber, I mean in the broader Capitol itself, and I just wonder if we are meeting all the public health guidelines, and I think it might improve the quality of our work if we were to have a little bit additional

Phyllis Gutierrez Kenney, Senate Gubernatorial Appointment No. 9217, having received the constitutional majority was declared confirmed as a member of the State Board for Community and Technical Colleges.

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Kuderer moved that Pedro Espinoza-Bravo, Senate Gubernatorial Appointment No. 9311, be confirmed as a member of the Housing Finance Commission.

Senators Kuderer and Fortunato spoke in favor of passage of the motion.

APPOINTMENT OF PEDRO ESPINOZA-BRAVO

The President Pro Tempore declared the question before the Senate to be the confirmation of Pedro Espinoza-Bravo, Senate Gubernatorial Appointment No. 9311, as a member of the Housing Finance Commission.

The Secretary called the roll on the confirmation of Pedro Espinoza-Bravo, Senate Gubernatorial Appointment No. 9311, as a member of the Housing Finance Commission and the appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Pedro Espinoza-Bravo, Gubernatorial Appointment No. 9311, having received the constitutional majority was declared confirmed as a member of the Housing Finance Commission.

MOTION

On motion of Senator Pedersen, the Senate reverted to the sixth order of business.

The Senate resumed consideration of Substitute Senate Bill No. 5628 which had been deferred earlier in the day.

SECOND READING

SUBSTITUTE SENATE BILL NO. 5628, by Senate Committee on Law & Justice (originally sponsored by Dhingra, Frockt, Kuderer, Stanford, Trudeau, Wellman and Wilson, C.)

Concerning cyber harassment, addressing concerns in the case of *Rynearson v. Ferguson*, and adding a crime of cyberstalking.

The measure was read the second time.

MOTION

Senator Honeyford moved that the following amendment no. 997 by Senator Honeyford be adopted:

On page 2, line 6, after "or of" strike "any other person" and insert "the person's family"

Senator Honeyford spoke in favor of adoption of the amendment.

Senator Dhingra spoke against adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of amendment no. 997 by Senator Honeyford on page 2, line 6 to Substitute Senate Bill No. 5628.

The motion by Senator Honeyford did not carry and amendment no. 997 was not adopted by voice vote.

MOTION

Senator Frockt moved that the following amendment no. 1050 by Senator Frockt be adopted:

On page 2, line 35, after "participant" insert "or election official"

On page 2, line 36, after "duties" insert "or election official's official duties"

On page 2, line 38, after "participant" insert "or election official"

On page 3, line 1, after "participant" insert "or election official"

On page 3, line 2, after "duties" insert "or election official's official duties"

On page 3, line 7, after "participant" insert "or election official"

On page 3, line 9, after "participant" insert "or election official"

On page 3, line 11, after "participant" insert "or election official"

On page 3, line 13, after "participant" insert "or election official"

On page 3, line 29, after "(5)" insert "For the purposes of this section, an election official includes any staff member of the office of the secretary of state or staff member of the county auditor's office, regardless of whether the member is employed on a temporary or part-time basis, whose duties relate to voter registration or the processing of votes as provided in Title 29A RCW."

(6)"

Renumber the remaining subsections consecutively and correct any internal references accordingly.

On page 8, line 17, after "11.88.010," strike "and" and insert "~~(and)~~"

On page 8, line 17, after "(b)" insert "any election official as described in RCW 9.61.260 (as recodified by this act) who is a target for threats or harassment prohibited under RCW 9.61.260 (as recodified by this act) or 9A.46.020(2)(c) (section 1(2)(c), chapter . . . (Substitute Senate Bill No. 5148), Laws of 2022), and (c)"

Correct any internal references accordingly.

On page 8, line 20, after "(iv)" insert "or (c) (section 1(2)(c), chapter . . . (Substitute Senate Bill No. 5148), Laws of 2022)"

On page 8, line 32, after "made;" strike "or" and insert "~~(or)~~"

On page 8, line 32, after "(B)" insert "that the applicant, as an election official as described in RCW 9.61.260 (as recodified by this act), is a target for threats or harassment prohibited under RCW 9.61.260 (as recodified by this act) or 9A.46.020(2)(c) (section 1(2)(c), chapter . . . (Substitute Senate Bill No. 5148), Laws of 2022); or (C)"

Correct any internal references accordingly.

On page 8, line 36, after "(iv)" insert "or (c) (section 1(2)(c), chapter . . . (Substitute Senate Bill No. 5148), Laws of 2022)"

On page 9, line 4, after "(iv)" insert "or (c) (section 1(2)(c), chapter . . . (Substitute Senate Bill No. 5148), Laws of 2022)"

On page 9, line 13, after "(iv)" insert "or (c) (section 1(2)(c), chapter . . . (Substitute Senate Bill No. 5148), Laws of 2022)"

On page 10, line 19, after "made," strike "or" and insert "~~(or)~~"

On page 10, line 19, after "(b)" insert "the safety of any election official as described in RCW 9.61.260 (as recodified by this act) who is a target for threats or harassment prohibited under RCW 9.61.260 (as recodified by this act) or 9A.46.020(2)(c) (section 1(2)(c), chapter . . . (Substitute Senate Bill No. 5148), Laws of 2022), or (c)"

Correct any internal references accordingly.

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On page 10, line 22, after "(iv)" insert "or (c) (section 1(2)(c), chapter . . . (Substitute Senate Bill No. 5148), Laws of 2022)"

Senators Frockt, Padden and Hunt spoke in favor of adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of amendment no. 1050 by Senator Frockt on page 2, line 35 to Substitute Senate Bill No. 5628.

The motion by Senator Frockt carried and amendment no. 1050 was adopted by voice vote.

MOTION

On motion of Senator Dhingra, the rules were suspended, Engrossed Substitute Senate Bill No. 5628 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Dhingra and Padden spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5628.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5628 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5628, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5933, by Senators Frockt, Schoesler, Conway, Honeyford, Keiser, Lovelett, Mullet, Pedersen, Rolfes and Wilson, J.

Establishing a school seismic safety grant program.

MOTIONS

On motion of Senator Frockt, Substitute Senate Bill No. 5933 was substituted for Senate Bill No. 5933 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Frockt, the rules were suspended, Substitute Senate Bill No. 5933 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Frockt, Schoesler, Mullet and Honeyford spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5933.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5933 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

SUBSTITUTE SENATE BILL NO. 5933, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5539, by Senators Hunt and Wilson, C.

Concerning state funding for educational service districts.

The measure was read the second time.

MOTION

On motion of Senator Hunt, the rules were suspended, Senate Bill No. 5539 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hunt and Wilson, L. spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 5539.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5539 and the bill passed the Senate by the following vote: Yeas, 28; Nays, 21; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Das, Dhingra, Frockt, Hasegawa, Hunt, Keiser, Kuderer, Liias, Lovelett, Lovick, Mullet, Nguyen, Nobles, Pedersen, Randall, Robinson, Rolfes, Saldaña, Salomon, Stanford, Trudeau, Van De Wege, Wellman and Wilson, C.

Voting nay: Senators Braun, Brown, Dozier, Fortunato, Gildon, Hawkins, Holy, Honeyford, King, McCune, Muzzall, Padden, Rivers, Schoesler, Sefzik, Sheldon, Short, Wagoner, Warnick, Wilson, J. and Wilson, L.

SENATE BILL NO. 5539, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5687, by Senators Wilson, C., Liias, Billig, Das, Nguyen, Pedersen, Saldaña and Stanford

Addressing certain traffic safety improvements.

The measure was read the second time.

MOTION

On motion of Senator Wilson, C., the rules were suspended, Senate Bill No. 5687 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Wilson, C. spoke in favor of passage of the bill.
Senator King spoke against passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 5687.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5687 and the bill passed the Senate by the following vote: Yeas, 25; Nays, 24; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Das, Dhingra, Frockt, Hasegawa, Hunt, Keiser, Kuderer, Lias, Lovelett, Lovick, Nguyen, Nobles, Pedersen, Randall, Robinson, Rolfes, Saldaña, Stanford, Trudeau, Wellman and Wilson, C.

Voting nay: Senators Braun, Brown, Dozier, Fortunato, Gildon, Hawkins, Holy, Honeyford, King, McCune, Mullet, Muzzall, Padden, Rivers, Salomon, Schoesler, Sefzik, Sheldon, Short, Van De Wege, Wagoner, Warnick, Wilson, J. and Wilson, L.

SENATE BILL NO. 5687, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5883, by Senators Trudeau, Keiser, Billig, Conway, Hunt, Kuderer, Nguyen, Nobles, Robinson, Saldaña, Van De Wege and Wilson, C.

Concerning an unaccompanied homeless youth's ability to provide informed consent for that minor patient's own health care, including nonemergency, outpatient, and primary care services, including physical examinations, vision examinations and eyeglasses, dental examinations, hearing examinations and hearing aids, immunizations, treatments for illnesses and conditions, and routine follow-up care customarily provided by a health care provider in an outpatient setting, excluding elective surgeries.

MOTION

On motion of Senator Dhingra, Substitute Senate Bill No. 5883 was substituted for Senate Bill No. 5883 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Padden moved that the following striking amendment no. 1019 by Senator Padden be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 2. (1) The office of the attorney general shall post on its website information related to the principle of implied emancipation, also known as the mature minor rule, as articulated in *Smith v. Seibly*, 72 Wn.2d (1967).

(2) The office of the attorney general shall solicit feedback on

the principle of implied emancipation from health care providers and potentially impacted parties.

(3) By January 1, 2023, the office of the attorney general shall submit a report to the appropriate committees of the legislature on the principle of implied emancipation and its application to homeless youth that includes model policies, findings, recommendations, information on different policies applied by health care providers, and feedback from health care providers pursuant to subsection (2) of this section. Recommendations may take the form of draft legislation.

(4) For purposes of this section:

(a) "Health care provider" has the same meaning as in RCW 7.70.020.

(b) "Homeless" means without a fixed, regular, and adequate nighttime residence as set forth in the federal McKinney-Vento homeless education assistance improvements act of 2001, P.L. 107-110, January 8, 2002, 115 Stat. 2005.

(c) "Youth" means an unemancipated individual who is under the chronological age of 18 years."

On page 1, line 1 of the title, after "Relating to" strike the remainder of the title and insert "advising health care providers on the mature minor rule; and creating a new section."

Senator Padden spoke in favor of adoption of the striking amendment.

Senator Dhingra spoke against adoption of the striking amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of striking amendment no. 1019 by Senator Padden to Substitute Senate Bill No. 5883.

The motion by Senator Padden did not carry and striking amendment no. 1019 was not adopted by voice vote.

MOTION

On motion of Senator Trudeau, the rules were suspended, Substitute Senate Bill No. 5883 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Trudeau spoke in favor of passage of the bill.

Senator Padden spoke against passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5883.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5883 and the bill passed the Senate by the following vote: Yeas, 28; Nays, 21; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Das, Dhingra, Frockt, Hasegawa, Hunt, Keiser, Kuderer, Lias, Lovelett, Lovick, Mullet, Nguyen, Nobles, Pedersen, Randall, Robinson, Rolfes, Saldaña, Salomon, Stanford, Trudeau, Van De Wege, Wellman and Wilson, C.

Voting nay: Senators Braun, Brown, Dozier, Fortunato, Gildon, Hawkins, Holy, Honeyford, King, McCune, Muzzall, Padden, Rivers, Schoesler, Sefzik, Sheldon, Short, Wagoner, Warnick, Wilson, J. and Wilson, L.

SUBSTITUTE SENATE BILL NO. 5883, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

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SENATE BILL NO. 5748, by Senators Schoesler, Brown, Conway, Dozier, Hasegawa, Holy, Honeyford, Hunt, Lovick, Robinson and Short

Concerning disability benefits in the public safety employees' retirement system.

The measure was read the second time.

MOTION

On motion of Senator Schoesler, the rules were suspended, Senate Bill No. 5748 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Schoesler and Conway spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 5748.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5748 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

SENATE BILL NO. 5748, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5690, by Senators Gildon, Nobles, Conway, Honeyford, McCune, Mullet, Padden, Randall, Rivers, Van De Wege and Wagoner

Concerning firearms on the capitol campus for the sole purpose of organized memorial events.

MOTION

On motion of Senator Gildon, Substitute Senate Bill No. 5690 was substituted for Senate Bill No. 5690 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Honeyford moved that the following amendment no. 1046 by Senator Honeyford be adopted:

On page 2, line 18, after "affairs" insert ", or affiliated with the national sons of the American revolution or sons of union veterans of the civil war,"

Senators Honeyford and Dhingra spoke in favor of adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of amendment no. 1046 by Senator Honeyford on page 2, line 18 to Substitute Senate Bill No. 5690.

The motion by Senator Honeyford carried and amendment no. 1046 was adopted by voice vote.

MOTION

On motion of Senator Gildon, the rules were suspended, Engrossed Substitute Senate Bill No. 5690 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Gildon and Dhingra spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5690.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5690 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5690, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 7:53 p.m., on motion of Senator Pedersen, the Senate was declared to be at ease subject to the call of the President.

 EVENING SESSION

The Senate was called to order at 8:16 p.m. by the President Pro Tempore, Senator Keiser presiding.

SECOND READING

SENATE BILL NO. 5919, by Senators Van De Wege, Mullet, Conway, Gildon, Honeyford, Lovick, Randall, Salomon and Wagoner

Concerning the standard for law enforcement authority to detain or pursue persons.

MOTION

On motion of Senator Van De Wege, Substitute Senate Bill No. 5919 was not substituted for Senate Bill No. 5919 and the substitute bill was not adopted by voice vote.

The measure was read the second time.

MOTION

Senator Dhingra moved that the following striking amendment no. 1062 by Senator Dhingra be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature recognizes clarity is necessary following the passage of Engrossed Second Substitute House Bill No. 1310, codified as chapter 10.120 RCW. The legislature recognizes and finds that RCW 10.120.020 did not prohibit investigatory detentions, known as *Terry* stops, or pat downs when, under the totality of the circumstances, such are authorized by law and of a reasonable scope and duration. It is the intent of the legislature in RCW 10.120.020 that peace officers will use the least amount of physical force necessary under the circumstances. The legislature intends to address the need for a definition of "physical force" in order to aid the attorney general's office in developing and publishing model policies to help implement chapter 10.120 RCW. This definition is needed to assure that there is a uniform and consistent meaning applied throughout the state and that the criminal justice training commission is providing training to that definition. It is the fundamental duty of law enforcement to preserve and protect all human life.

Sec. 2. RCW 10.120.010 and 2021 c 324 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Law enforcement agency" includes any "general authority Washington law enforcement agency" and any "limited authority Washington law enforcement agency" as those terms are defined in RCW 10.93.020.

(2) "Less lethal alternatives" include, but are not limited to, verbal warnings, de-escalation tactics, conducted energy weapons, devices that deploy oleoresin capsicum, batons, and beanbag rounds.

(3) "Necessary" means that, under the totality of the circumstances, a reasonably effective alternative to the use of force does not appear to exist, and that the amount of force used was a reasonable and proportional response to effect the legal purpose intended or to protect against the threat posed to the officer or others.

(4) "Peace officer" includes any "general authority Washington peace officer," "limited authority Washington peace officer," and "specially commissioned Washington peace officer" as those terms are defined in RCW 10.93.020; however, "peace officer" does not include any corrections officer or other employee of a jail, correctional, or detention facility, but does include any community corrections officer.

(5) "Physical force" means any act likely to cause physical pain or injury or any other act exerted upon a person's body to compel, control, constrain, or restrain the person's movement. "Physical force" does not include pat downs, incidental touching, verbal commands, or compliant handcuffing where there is no physical pain or injury.

(6) "Totality of the circumstances" means all facts known to the peace officer leading up to, and at the time of, the use of force, and includes the actions of the person against whom the peace officer uses such force and the actions of the peace officer.

Sec. 3. RCW 10.120.020 and 2021 c 324 s 3 are each amended to read as follows:

(1)(a) Except as otherwise provided under this section, a peace officer may use physical force against a person when necessary to:

(i) Protect against criminal conduct where there is probable

cause to make an arrest; ~~((effect))~~

(ii) Effect an arrest; ~~((prevent))~~

(iii) Prevent an escape as defined under chapter 9A.76 RCW;

(iv) Effect an investigative detention with less than probable cause if the peace officer has reasonable and articulable facts that point towards criminal activity, including when, under the totality of the circumstances, the situation escalates so that there are now facts sufficient to effectuate an arrest, whether or not an arrest is carried out; or ~~((protect))~~

(v) Protect against an imminent threat of bodily injury to the peace officer, another person, or the person against whom force is being used.

(b) A peace officer may use deadly force against another person only when necessary to protect against an imminent threat of serious physical injury or death to the officer or another person. For purposes of this subsection (1)(b)(:

(i) ~~"Imminent"), "imminent~~ threat of serious physical injury or death" means that, based on the totality of the circumstances, it is objectively reasonable to believe that a person has the present and apparent ability, opportunity, and intent to immediately cause death or serious bodily injury to the peace officer or another person.

~~((ii) "Necessary" means that, under the totality of the circumstances, a reasonably effective alternative to the use of deadly force does not exist, and that the amount of force used was a reasonable and proportional response to the threat posed to the officer and others.~~

~~((iii) "Totality of the circumstances" means all facts known to the peace officer leading up to and at the time of the use of force, and includes the actions of the person against whom the peace officer uses such force, and the actions of the peace officer.)~~

(2) A peace officer shall use reasonable care when determining whether to use physical force and when using any physical force against another person. To that end, a peace officer shall:

(a) When possible, exhaust available and appropriate de-escalation tactics prior to using any physical force, such as: Creating physical distance by employing tactical repositioning and repositioning as often as necessary to maintain the benefit of time, distance, and cover; when there are multiple officers, designating one officer to communicate in order to avoid competing commands; calling for additional resources such as a crisis intervention team or mental health professional when possible; calling for back-up officers when encountering resistance; taking as much time as necessary, without using physical force or weapons; and leaving the area if there is no threat of imminent harm and no crime has been committed, is being committed, or is about to be committed;

(b) When using physical force, use ~~((the least))~~ a proportional amount of physical force necessary to overcome resistance under the circumstances. This includes a consideration of the characteristics and conditions of a person for the purposes of determining whether to use force against that person and, if force is necessary, determining the appropriate and least amount of force ~~((possible))~~ reasonable to effect a lawful purpose. Such characteristics and conditions may include, for example, whether the person: Is visibly pregnant, or states that they are pregnant; is known to be a minor, objectively appears to be a minor, or states that they are a minor; is known to be a vulnerable adult, or objectively appears to be a vulnerable adult as defined in RCW 74.34.020; displays signs of mental, behavioral, or physical impairments or disabilities; is experiencing perceptual or cognitive impairments typically related to the use of alcohol, narcotics, hallucinogens, or other drugs; is suicidal; has limited English proficiency; or is in the presence of children;

(c) Terminate the use of physical force as soon as the necessity for such force ends;

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(d) When possible, use available and appropriate less lethal alternatives before using deadly force; and

(e) Make less lethal alternatives issued to the officer reasonably available for their use.

(3) A peace officer may not use any force tactics prohibited by applicable departmental policy, this chapter, or otherwise by law, except to protect his or her life or the life of another person from an imminent threat.

(4) Nothing in this section prevents a law enforcement agency or political subdivision of this state from adopting policies or standards with additional requirements for de-escalation and greater restrictions on the use of physical and deadly force than provided in this section."

On page 1, line 1, of the title, after "to" strike the remainder of the title and insert "the definition of "physical force," "necessary," and "totality of the circumstances," and the standard for law enforcement authority to use physical force and providing the authority for a peace officer to engage in a vehicular pursuit when there is reasonable suspicion a person has violated the law and the officer follows appropriate safety standards; amending RCW 10.120.010 and 10.120.020; and creating a new section."

MOTION

Senator Wagoner moved that the following amendment no. 1065 by Senator Wagoner be adopted:

On page 1, after line 19, insert the following:

"Sec. 2. RCW 10.116.060 and 2021 c 320 s 7 are each amended to read as follows:

(1) A peace officer may not ~~((engage in))~~ conduct a vehicular pursuit, unless:

(a)~~((i))~~ There is ~~((probable cause))~~ reasonable suspicion to believe that a person in the vehicle has committed or is committing a violent offense or sex offense as defined in RCW 9.94A.030, ~~((or))~~ an escape under chapter 9A.76 RCW~~((or))~~

~~((ii))~~ There is reasonable suspicion a person in the vehicle has committed or is committing), a driving under the influence offense under RCW 46.61.502, a crime against persons offense pursuant to RCW 9.94A.411, or another criminal offense where the public safety risks of failing to apprehend or identify the person are considered to be greater than the safety risks of the vehicular pursuit under the circumstances;

(b) The pursuit is necessary for the purpose of identifying or apprehending the person;

(c) The person poses ~~((an imminent threat to the))~~ a public safety ~~((of others))~~ risk and the safety risks of failing to apprehend or identify the person are considered to be greater than the safety risks of the vehicular pursuit under the circumstances; and

~~((d))~~ ~~Except as provided in (d)(ii) of this subsection, the~~ The officer ~~((has received))~~ receives authorization to ~~((engage in))~~ continue the pursuit from a supervising officer and there is supervisory control of the pursuit. The officer in consultation with the supervising officer must consider alternatives to the vehicular pursuit. The supervisor must consider the justification for the vehicular pursuit and other safety considerations, including but not limited to speed, weather, traffic, road conditions, and the known presence of minors in the vehicle, and the vehicular pursuit must be terminated if any of the requirements of this subsection are not met~~((;~~

~~((ii))~~ For those jurisdictions with fewer than 10 commissioned officers, if), If a supervisor is not on duty at the time, the officer will request the on-call supervisor be notified of the pursuit according to the agency's procedures. The officer must consider alternatives to the vehicular pursuit, the justification for the

vehicular pursuit, and other safety considerations, including but not limited to speed, weather, traffic, road conditions, and the known presence of minors in the vehicle. The officer must terminate the vehicular pursuit if any of the requirements of this subsection are not met.

(2) A pursuing officer shall comply with any agency procedures for designating the primary pursuit vehicle and determining the appropriate number of vehicles permitted to participate in the vehicular pursuit and comply with any agency procedures for coordinating operations with other jurisdictions, including available tribal police departments when applicable.

(3) A peace officer may not fire a weapon upon a moving vehicle unless necessary to protect against an imminent threat of serious physical harm resulting from the operator's or a passenger's use of a deadly weapon. For the purposes of this subsection, a vehicle is not considered a deadly weapon unless the operator is using the vehicle as a deadly weapon and no other reasonable means to avoid potential serious harm are immediately available to the officer.

(4) For purposes of this section, "vehicular pursuit" means an attempt by a uniformed peace officer in a vehicle equipped with emergency lights and a siren to stop a moving vehicle where the operator of the moving vehicle appears to be aware that the officer is signaling the operator to stop the vehicle and the operator of the moving vehicle appears to be willfully resisting or ignoring the officer's attempt to stop the vehicle by increasing vehicle speed, making evasive maneuvers, or operating the vehicle in a reckless manner that endangers the safety of the community or the officer."

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 5, line 1, after "RCW" strike "10.120.010" and insert "10.116.060, 10.120.010,"

Senators Wagoner, Lovick, Padden, Fortunato and Gildon spoke in favor of adoption of the amendment to the striking amendment.

Senators Dhingra, Frockt, Saldaña and Robinson spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1065 by Senator Wagoner on page 1, after line 19 to striking amendment no. 1062.

The motion by Senator Wagoner carried and amendment no. 1065 was adopted by voice vote.

MOTION

Senator Dhingra moved that the following amendment no. 1061 by Senator Dhingra be adopted:

On page 2, line 33, after "has" strike "reasonable" and insert "": (A) Reasonable"

On page 2, line 34, after "activity" strike ", including when," and insert "and"

On page 2, line 37, after "out" insert "": (B) identified himself or herself as an officer or is reasonably identifiable as an officer; (C) informed the person that he or she is detained for an investigative detention; and (D) notified the person that he or she is not free to leave"

Senator Dhingra spoke in favor of adoption of the amendment to the striking amendment.

Senator Salomon spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the

adoption of amendment no. 1061 by Senator Dhingra on page 2, line 33 to striking amendment no. 1062.

The motion by Senator Dhingra did not carry and amendment no. 1061 was not adopted by voice vote.

MOTION

Senator Padden moved that the following amendment no. 1063 by Senator Padden be adopted:

On page 4, after line 27, insert the following:

"**Sec. 4.** RCW 10.116.020 and 2021 c 320 s 2 are each amended to read as follows:

(1) A peace officer may not use a chokehold (~~(or neck restraint)~~) on another person in the course of his or her duties as a peace officer.

(2) Any policies pertaining to the use of force adopted by law enforcement agencies must be consistent with this section.

(3) For the purposes of this section(:

~~(a) "Chokehold";~~ "chokehold" means the intentional application of direct pressure to a person's trachea or windpipe for the purpose of restricting another person's airway.

~~((b) "Neck restraint" refers to any vascular neck restraint or similar restraint, hold, or other tactic in which pressure is applied to the neck for the purpose of constricting blood flow.))"~~

On page 5, at the beginning of line 2, strike "and 10.120.020" and insert ", 10.120.020, and 10.116.020"

Senators Padden and Holy spoke in favor of adoption of the amendment to the striking amendment.

Senators Van De Wege and Trudeau spoke against adoption of the amendment to the striking amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of amendment no. 1063 by Senator Padden on page 4, after line 27 to striking amendment no. 1062.

The motion by Senator Padden did not carry and amendment no. 1063 was not adopted by voice vote.

MOTION

Senator Wagoner moved that the following amendment no. 1064 by Senator Wagoner be adopted:

On page 4, after line 27, insert the following:

"**NEW SECTION. Sec. 4.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 5, line 2, after "10.120.020;" strike all material through "section" and insert "creating a new section; and declaring an emergency"

Senators Wagoner and Dhingra spoke in favor of adoption of the amendment to the striking amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of amendment no. 1064 by Senator Wagoner on page 4, after line 27 to striking amendment no. 1062.

The motion by Senator Wagoner carried and amendment no. 1064 was adopted by voice vote.

The President declared the question before the Senate to be the adoption of striking amendment no. 1062 by Senator Dhingra as amended to Senate Bill No. 5919.

The motion by Senator Dhingra carried and striking amendment no. 1062 as amended was adopted by voice vote.

MOTION

On motion of Senator Van De Wege, the rules were suspended, Engrossed Senate Bill No. 5919 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Van De Wege, Padden, Sefzik, Mullet and Lovick spoke in favor of passage of the bill.

Senators Dhingra, Frockt, Saldaña, Kuderer, Trudeau and Hasegawa spoke against passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5919.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5919 and the bill passed the Senate by the following vote: Yeas, 31; Nays, 18; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Dozier, Fortunato, Gildon, Hawkins, Holy, Honeyford, King, Lovick, McCune, Mullet, Muzzall, Padden, Randall, Rivers, Rolfes, Salomon, Schoesler, Sefzik, Sheldon, Short, Van De Wege, Wagoner, Warnick, Wilson, J. and Wilson, L.

Voting nay: Senators Das, Dhingra, Frockt, Hasegawa, Hunt, Keiser, Kuderer, Lias, Lovelett, Nguyen, Nobles, Pedersen, Robinson, Saldaña, Stanford, Trudeau, Wellman and Wilson, C.

ENGROSSED SENATE BILL NO. 5919, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Pedersen, Rule 15 was suspended for the remainder of the day for the purpose of allowing continued floor action.

EDITOR'S NOTE: Senate Rule 15 establishes the floor schedule and calls for a lunch and dinner break of 90 minutes each per day during regular daily sessions.

SECOND READING

SENATE BILL NO. 5078, by Senators Lias, Kuderer, Darneille, Hunt, Nguyen, Pedersen, Wilson, C. and Lovelett

Addressing firearm safety measures to increase public safety.

MOTIONS

On motion of Senator Lias, Substitute Senate Bill No. 5078 was substituted for Senate Bill No. 5078 and the substitute bill was placed on the second reading and read the second time.

SUBSTITUTE SENATE BILL NO. 5078, by Senators Lias, Kuderer, Darneille, Hunt, Nguyen, Pedersen, Wilson, C. and Lovelett

Revised for Substitute: Addressing firearm safety measures to increase public safety.

Senator Lias moved that the following striking amendment no. 989 by Senator Lias be adopted:

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Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds and declares that gun violence is a threat to the public health and safety of Washingtonians. Firearms equipped with large capacity magazines increase casualties by allowing a shooter to keep firing for longer periods of time without reloading. Large capacity magazines have been used in all 10 of the deadliest mass shootings since 2009, and mass shooting events from 2009 to 2018 where the use of large capacity magazines caused twice as many deaths and 14 times as many injuries. Documentary evidence following gun rampages, including the 2014 shooting at Seattle Pacific University, reveals many instances where victims were able to escape or disarm the shooter during a pause to reload, and such opportunities are necessarily reduced when large capacity magazines are used. In addition, firearms equipped with large capacity magazines account for an estimated 22 to 36 percent of crime guns and up to 40 percent of crime guns used in serious violent crimes. Based on this evidence, and on studies showing that mass shooting fatalities declined during the 10-year period when the federal assault weapon and large capacity magazine ban was in effect, the legislature finds that restricting the sale, manufacture, and distribution of large capacity magazines is likely to reduce gun deaths and injuries. The legislature further finds that this is a well-calibrated policy based on evidence that magazine capacity limits do not interfere with responsible, lawful self-defense. The legislature further finds that the threats to public safety posed by large capacity magazines are heightened given current conditions. Our country is in the midst of a pandemic, economic recession, social tensions, and reckonings over racial justice. The years 2020 and 2021 have seen a sharp increase in gun sales and gun violence, as well as fears over gun violence and incidents of armed intimidation. In this volatile atmosphere, the legislature declares that it is time to enhance public health and safety by limiting the sale of large capacity magazines. The legislature intends to limit the prospective sale of large capacity magazines, while allowing existing legal owners to retain the large capacity magazines they currently own.

Sec. 2. RCW 9.41.010 and 2021 c 215 s 93 are each amended to read as follows:

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

(1) "Antique firearm" means a firearm or replica of a firearm not designed or redesigned for using rim fire or conventional center fire ignition with fixed ammunition and manufactured in or before 1898, including any matchlock, flintlock, percussion cap, or similar type of ignition system and also any firearm using fixed ammunition manufactured in or before 1898, for which ammunition is no longer manufactured in the United States and is not readily available in the ordinary channels of commercial trade.

(2) "Barrel length" means the distance from the bolt face of a closed action down the length of the axis of the bore to the crown of the muzzle, or in the case of a barrel with attachments to the end of any legal device permanently attached to the end of the muzzle.

(3) "Bump-fire stock" means a butt stock designed to be attached to a semiautomatic firearm with the effect of increasing the rate of fire achievable with the semiautomatic firearm to that of a fully automatic firearm by using the energy from the recoil of the firearm to generate reciprocating action that facilitates repeated activation of the trigger.

(4) "Crime of violence" means:

(a) Any of the following felonies, as now existing or hereafter

amended: Any felony defined under any law as a class A felony or an attempt to commit a class A felony, criminal solicitation of or criminal conspiracy to commit a class A felony, manslaughter in the first degree, manslaughter in the second degree, indecent liberties if committed by forcible compulsion, kidnapping in the second degree, arson in the second degree, assault in the second degree, assault of a child in the second degree, extortion in the first degree, burglary in the second degree, residential burglary, and robbery in the second degree;

(b) Any conviction for a felony offense in effect at any time prior to June 6, 1996, which is comparable to a felony classified as a crime of violence in (a) of this subsection; and

(c) Any federal or out-of-state conviction for an offense comparable to a felony classified as a crime of violence under (a) or (b) of this subsection.

(5) "Curio or relic" has the same meaning as provided in 27 C.F.R. Sec. 478.11.

(6) "Dealer" means a person engaged in the business of selling firearms at wholesale or retail who has, or is required to have, a federal firearms license under 18 U.S.C. Sec. 923(a). A person who does not have, and is not required to have, a federal firearms license under 18 U.S.C. Sec. 923(a), is not a dealer if that person makes only occasional sales, exchanges, or purchases of firearms for the enhancement of a personal collection or for a hobby, or sells all or part of his or her personal collection of firearms.

(7) "Family or household member" has the same meaning as in RCW 7.105.010.

(8) "Felony" means any felony offense under the laws of this state or any federal or out-of-state offense comparable to a felony offense under the laws of this state.

(9) "Felony firearm offender" means a person who has previously been convicted or found not guilty by reason of insanity in this state of any felony firearm offense. A person is not a felony firearm offender under this chapter if any and all qualifying offenses have been the subject of an expungement, pardon, annulment, certificate, or rehabilitation, or other equivalent procedure based on a finding of the rehabilitation of the person convicted or a pardon, annulment, or other equivalent procedure based on a finding of innocence.

(10) "Felony firearm offense" means:

(a) Any felony offense that is a violation of this chapter;

(b) A violation of RCW 9A.36.045;

(c) A violation of RCW 9A.56.300;

(d) A violation of RCW 9A.56.310;

(e) Any felony offense if the offender was armed with a firearm in the commission of the offense.

(11) "Firearm" means a weapon or device from which a projectile or projectiles may be fired by an explosive such as gunpowder. "Firearm" does not include a flare gun or other pyrotechnic visual distress signaling device, or a powder-actuated tool or other device designed solely to be used for construction purposes.

(12) "Gun" has the same meaning as firearm.

(13) "Intimate partner" has the same meaning as provided in RCW 7.105.010.

(14) "Law enforcement officer" includes a general authority Washington peace officer as defined in RCW 10.93.020, or a specially commissioned Washington peace officer as defined in RCW 10.93.020. "Law enforcement officer" also includes a limited authority Washington peace officer as defined in RCW 10.93.020 if such officer is duly authorized by his or her employer to carry a concealed pistol.

(15) "Lawful permanent resident" has the same meaning afforded a person "lawfully admitted for permanent residence" in 8 U.S.C. Sec. 1101(a)(20).

(16) "Licensed collector" means a person who is federally licensed under 18 U.S.C. Sec. 923(b).

(17) "Licensed dealer" means a person who is federally licensed under 18 U.S.C. Sec. 923(a).

(18) "Loaded" means:

(a) There is a cartridge in the chamber of the firearm;

(b) Cartridges are in a clip that is locked in place in the firearm;

(c) There is a cartridge in the cylinder of the firearm, if the firearm is a revolver;

(d) There is a cartridge in the tube or magazine that is inserted in the action; or

(e) There is a ball in the barrel and the firearm is capped or primed if the firearm is a muzzle loader.

(19) "Machine gun" means any firearm known as a machine gun, mechanical rifle, submachine gun, or any other mechanism or instrument not requiring that the trigger be pressed for each shot and having a reservoir clip, disc, drum, belt, or other separable mechanical device for storing, carrying, or supplying ammunition which can be loaded into the firearm, mechanism, or instrument, and fired therefrom at the rate of five or more shots per second.

(20) "Manufacture" means, with respect to a firearm or large capacity magazine, the fabrication or construction of a firearm or large capacity magazine.

(21) "Nonimmigrant alien" means a person defined as such in 8 U.S.C. Sec. 1101(a)(15).

(22) "Person" means any individual, corporation, company, association, firm, partnership, club, organization, society, joint stock company, or other legal entity.

(23) "Pistol" means any firearm with a barrel less than ~~((sixteen))~~ 16 inches in length, or is designed to be held and fired by the use of a single hand.

(24) "Rifle" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned, made or remade, and intended to use the energy of the explosive in a fixed metallic cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger.

(25) "Sale" and "sell" mean the actual approval of the delivery of a firearm in consideration of payment or promise of payment.

(26) "Secure gun storage" means:

(a) A locked box, gun safe, or other secure locked storage space that is designed to prevent unauthorized use or discharge of a firearm; and

(b) The act of keeping an unloaded firearm stored by such means.

(27) "Semiautomatic assault rifle" means any rifle which utilizes a portion of the energy of a firing cartridge to extract the fired cartridge case and chamber the next round, and which requires a separate pull of the trigger to fire each cartridge.

"Semiautomatic assault rifle" does not include antique firearms, any firearm that has been made permanently inoperable, or any firearm that is manually operated by bolt, pump, lever, or slide action.

(28) "Serious offense" means any of the following felonies or a felony attempt to commit any of the following felonies, as now existing or hereafter amended:

(a) Any crime of violence;

(b) Any felony violation of the uniform controlled substances act, chapter 69.50 RCW, that is classified as a class B felony or that has a maximum term of imprisonment of at least ~~((ten))~~ 10 years;

(c) Child molestation in the second degree;

(d) Incest when committed against a child under age ~~((fourteen))~~ 14;

(e) Indecent liberties;

(f) Leading organized crime;

(g) Promoting prostitution in the first degree;

(h) Rape in the third degree;

(i) Drive-by shooting;

(j) Sexual exploitation;

(k) Vehicular assault, when caused by the operation or driving of a vehicle by a person while under the influence of intoxicating liquor or any drug or by the operation or driving of a vehicle in a reckless manner;

(l) Vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(m) Any other class B felony offense with a finding of sexual motivation, as "sexual motivation" is defined under RCW 9.94A.030;

(n) Any other felony with a deadly weapon verdict under RCW 9.94A.825;

(o) Any felony offense in effect at any time prior to June 6, 1996, that is comparable to a serious offense, or any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a serious offense; or

(p) Any felony conviction under RCW 9.41.115.

(29) "Short-barreled rifle" means a rifle having one or more barrels less than ~~((sixteen))~~ 16 inches in length and any weapon made from a rifle by any means of modification if such modified weapon has an overall length of less than ~~((twenty-six))~~ 26 inches.

(30) "Short-barreled shotgun" means a shotgun having one or more barrels less than ~~((eighteen))~~ 18 inches in length and any weapon made from a shotgun by any means of modification if such modified weapon has an overall length of less than ~~((twenty-six))~~ 26 inches.

(31) "Shotgun" means a weapon with one or more barrels, designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned, made or remade, and intended to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of ball shot or a single projectile for each single pull of the trigger.

(32) "Transfer" means the intended delivery of a firearm to another person without consideration of payment or promise of payment including, but not limited to, gifts and loans. "Transfer" does not include the delivery of a firearm owned or leased by an entity licensed or qualified to do business in the state of Washington to, or return of such a firearm by, any of that entity's employees or agents, defined to include volunteers participating in an honor guard, for lawful purposes in the ordinary course of business.

(33) "Undetectable firearm" means any firearm that is not as detectable as 3.7 ounces of 17-4 PH stainless steel by walk-through metal detectors or magnetometers commonly used at airports or any firearm where the barrel, the slide or cylinder, or the frame or receiver of the firearm would not generate an image that accurately depicts the shape of the part when examined by the types of X-ray machines commonly used at airports.

(34) "Unlicensed person" means any person who is not a licensed dealer under this chapter.

(35) "Untraceable firearm" means any firearm manufactured after July 1, 2019, that is not an antique firearm and that cannot be traced by law enforcement by means of a serial number affixed to the firearm by a federally licensed manufacturer or importer.

(36) "Large capacity magazine" means an ammunition feeding device with the capacity to accept more than 10 rounds of ammunition, or any conversion kit, part, or combination of parts, from which such a device can be assembled if those parts are in possession of or under the control of the same person, but shall not be construed to include any of the following:

(a) An ammunition feeding device that has been permanently

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altered so that it cannot accommodate more than 10 rounds of ammunition;

(b) A 22 caliber tube ammunition feeding device; or

(c) A tubular magazine that is contained in a lever-action firearm.

(37) "Distribute" means to give out, provide, make available, or deliver a firearm or large capacity magazine to any person in this state, with or without consideration, whether the distributor is in-state or out-of-state. "Distribute" includes, but is not limited to, filling orders placed in this state, online or otherwise. "Distribute" also includes causing a firearm or large capacity magazine to be delivered in this state.

(38) "Import" means to move, transport, or receive an item from a place outside the territorial limits of the state of Washington to a place inside the territorial limits of the state of Washington.

NEW SECTION. Sec. 3. A new section is added to chapter 9.41 RCW to read as follows:

(1) No person in this state may manufacture, import, distribute, sell, or offer for sale any large capacity magazine, except as authorized in this section.

(2) Subsection (1) of this section does not apply to any of the following:

(a) The manufacture, importation, distribution, offer for sale, or sale of a large capacity magazine by a licensed firearms manufacturer for the purposes of sale to any branch of the armed forces of the United States or the state of Washington, or to a law enforcement agency in this state for use by that agency or its employees for law enforcement purposes;

(b) The importation, distribution, offer for sale, or sale of a large capacity magazine by a dealer that is properly licensed under federal and state law for the purpose of sale to any branch of the armed forces of the United States or the state of Washington, or to a law enforcement agency in this state for use by that agency or its employees for law enforcement purposes;

(c) The distribution, offer for sale, or sale of a large capacity magazine to or by a dealer that is properly licensed under federal and state law where the dealer acquires the large capacity magazine from a person legally authorized to possess or transfer the large capacity magazine for the purpose of selling or transferring the large capacity magazine to a person who does not reside in this state.

(3) A person who violates this section is guilty of a gross misdemeanor punishable under chapter 9A.20 RCW.

NEW SECTION. Sec. 4. A new section is added to chapter 9.41 RCW to read as follows:

Distributing, selling, offering for sale, or facilitating the sale, distribution, or transfer of a large capacity magazine online is an unfair or deceptive act or practice or unfair method of competition in the conduct of trade or commerce for purposes of the consumer protection act, chapter 19.86 RCW.

NEW SECTION. Sec. 5. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 6. This act takes effect July 1, 2022."

On page 1, line 1 of the title, after "Relating to" strike the remainder of the title and insert "establishing firearms-related safety measures to increase public safety by prohibiting the manufacture, importation, distribution, selling, and offering for sale of large capacity magazines, and by providing limited exemptions applicable to licensed firearms manufacturers and dealers for purposes of sale to armed forces branches and law enforcement agencies for purposes of sale or transfer outside the state; amending RCW 9.41.010; adding new sections to chapter

9.41 RCW; creating a new section; prescribing penalties; and providing an effective date."

MOTION

Senator Fortunato moved that the following amendment no. 1036 by Senator Fortunato be adopted:

On page 1, line 5, after "with" strike "large" and insert "regular"
On page 1, line 7, after "reloading." strike "Large" and insert "Regular"

On page 1, line 9, after "of" strike "large" and insert "regular"
On page 1, line 14, after "when" strike "large" and insert "regular"

On page 1, at the beginning of line 16, strike "large" and insert "regular"

On page 1, line 20, after "and" strike "large" and insert "regular"

On page 1, line 22, after "of" strike "large" and insert "regular"
On page 1, at the beginning of line 27, strike "large" and insert "regular"

On page 2, line 1, after "of" strike "large" and insert "regular"
On page 2, line 3, after "of" strike "large" and insert "regular"

On page 2, line 4, after "the" strike "large" and insert "regular"
On page 4, line 37, after "or" strike "large" and insert "regular"
On page 4, at the beginning of line 39, strike "large" and insert "regular"

On page 7, line 16, after "(36)" strike "Large" and insert "Regular"

On page 7, line 29, after "or" strike "large" and insert "regular"
On page 7, line 33, after "or" strike "large" and insert "regular"

On page 8, line 2, after "any" strike "large" and insert "regular"
On page 8, line 7, after "of a" strike "large" and insert "regular"
On page 8, at the beginning of line 13, strike "large" and insert "regular"

On page 8, line 18, after "of a" strike "large" and insert "regular"

On page 8, line 20, after "acquires the" strike "large" and insert "regular"

On page 8, line 21, after "the" strike "large" and insert "regular"
On page 8, at the beginning of line 23, strike "large" and insert "regular"

On page 8, line 30, after "of a" strike "large" and insert "regular"
On page 9, line 6, after "of" strike "large" and insert "regular"

Senator Fortunato spoke in favor of adoption of the amendment to the striking amendment.

Senator Dhingra spoke against adoption of the amendment to the striking amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of amendment no. 1036 by Senator Fortunato on page 1, line 5 to striking amendment no. 989.

The motion by Senator Fortunato did not carry and amendment no. 1036 was not adopted by voice vote.

MOTION

Senator Fortunato moved that the following amendment no. 1001 by Senator Fortunato be adopted:

On page 7, line 17, after "than" strike "10" and insert "30"
On page 7, line 23, after "than" strike "10" and insert "30"

Senator Fortunato spoke in favor of adoption of the amendment

to the striking amendment.

Senator Liias spoke against adoption of the amendment to the striking amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of amendment no. 1001 by Senator Fortunato on page 7, line 17 to striking amendment no. 989.

The motion by Senator Fortunato did not carry and amendment no. 1001 was not adopted by voice vote.

MOTION

Senator Fortunato moved that the following amendment no. 1002 by Senator Fortunato be adopted:

On page 7, line 17, after "than" strike "10" and insert "21"

On page 7, line 23, after "than" strike "10" and insert "21"

Senator Fortunato spoke in favor of adoption of the amendment to the striking amendment.

Senator Liias spoke against adoption of the amendment to the striking amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of amendment no. 1002 by Senator Fortunato on page 7, line 17 to striking amendment no. 989.

The motion by Senator Fortunato did not carry and amendment no. 1002 was not adopted by voice vote.

MOTION

Senator Fortunato moved that the following amendment no. 1035 by Senator Fortunato be adopted:

On page 7, line 17, after "than" strike "10" and insert "17"

On page 7, line 23, after "than" strike "10" and insert "17"

Senator Fortunato spoke in favor of adoption of the amendment to the striking amendment.

Senator Dhingra spoke against adoption of the amendment to the striking amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of amendment no. 1035 by Senator Fortunato on page 7, line 17 to striking amendment no. 989.

The motion by Senator Fortunato did not carry and amendment no. 1035 was not adopted by voice vote.

WITHDRAWAL OF AMENDMENT

On motion of Senator Fortunato and without objection, amendment no. 1003 by Senator Fortunato on page 7, line 17 to striking amendment no. 989 was withdrawn.

MOTION

Senator McCune moved that the following amendment no. 1000 by Senator McCune be adopted:

On page 7, line 34, after "state." insert "\"Distribute\" does not include transfers of large capacity magazines between family members."

Senator McCune spoke in favor of adoption of the amendment to the striking amendment.

Senator Liias spoke against adoption of the amendment to the striking amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of amendment no. 1000 by Senator

McCune on page 7, line 34 to striking amendment no. 989.

The motion by Senator McCune did not carry and amendment no. 1000 was not adopted by voice vote.

MOTION

Senator Fortunato moved that the following amendment no. 1004 by Senator Fortunato be adopted:

On page 7, line 34, after "state." insert "\"Distribute\" does not include transfers of large capacity magazines between individuals when one of the individuals transferring the large capacity magazine holds a valid concealed pistol license under chapter 9.41 RCW."

Senator Fortunato spoke in favor of adoption of the amendment to the striking amendment.

Senator Dhingra spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1004 by Senator Fortunato on page 7, line 34 to striking amendment no. 989.

The motion by Senator Fortunato did not carry and amendment no. 1004 was not adopted by voice vote.

MOTION

Senator Fortunato moved that the following amendment no. 1005 by Senator Fortunato be adopted:

On page 7, line 34, after "state." insert "\"Distribute\" does not include transfers of large capacity magazines between individuals when one of the individuals transferring the large capacity magazine is a certified weapons training instructor or range safety officer."

Senator Fortunato spoke in favor of adoption of the amendment to the striking amendment.

Senator Dhingra spoke against adoption of the amendment to the striking amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of amendment no. 1005 by Senator Fortunato on page 7, line 34 to striking amendment no. 989.

The motion by Senator Fortunato did not carry and amendment no. 1005 was not adopted by voice vote.

MOTION

Senator Fortunato moved that the following amendment no. 1006 by Senator Fortunato be adopted:

On page 7, line 34, after "state." insert "\"Distribute\" does not include transfers of large capacity magazines between individuals when one of the individuals transferring the large capacity magazine is employed as a private security guard or armed private investigator."

Senator Fortunato spoke in favor of adoption of the amendment to the striking amendment.

Senators Dhingra and Liias spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1006 by Senator Fortunato on page 7, line 34 to striking amendment no. 989.

The motion by Senator Fortunato did not carry and amendment no. 1006 was not adopted by voice vote.

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WITHDRAWAL OF AMENDMENT

On motion of Senator Fortunato and without objection, amendment no. 1007 by Senator Fortunato on page 7, line 34 to striking amendment no. 989 was withdrawn.

WITHDRAWAL OF AMENDMENT

On motion of Senator Fortunato and without objection, amendment no. 1008 by Senator Fortunato on page 7, line 34 to striking amendment no. 989 was withdrawn.

MOTION

Senator Wagoner moved that the following amendment no. 1028 by Senator Wagoner be adopted:

On page 7, line 37, after "Washington." insert "Import" does not mean situations where an individual possesses a large capacity magazine when departing from, and returning to, Washington state, so long as the individual is returning to Washington in possession of the same large capacity magazine the individual transported out of state."

Senators Wagoner and Dhingra spoke in favor of adoption of the amendment to the striking amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of amendment no. 1028 by Senator Wagoner on page 7, line 37 to striking amendment no. 989.

The motion by Senator Wagoner carried and amendment no. 1028 was adopted by voice vote.

MOTION

Senator Fortunato moved that the following amendment no. 1009 by Senator Fortunato be adopted:

On page 8, line 1, after "may" insert "intentionally"

On page 8, line 25, after "section" insert "with criminal intent"

On page 8, line 30, after "online" insert "with criminal intent"

Senator Fortunato spoke in favor of adoption of the amendment to the striking amendment.

Senator Dhingra spoke against adoption of the amendment to the striking amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of amendment no. 1009 by Senator Fortunato on page 8, line 1 to striking amendment no. 989.

The motion by Senator Fortunato did not carry and amendment no. 1009 was not adopted by voice vote.

MOTION

Senator Short moved that the following amendment no. 999 by Senator Short be adopted:

On page 8, line 24, after "state" insert ";

(d) Shooting range and facility operators and firearms training instructors that make large capacity magazines available for temporary use by clients at a shooting range or facility"

Senators Short and Dhingra spoke in favor of adoption of the amendment to the striking amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of amendment no. 999 by Senator Short

on page 8, line 24 to striking amendment no. 989.

The motion by Senator Short did not carry and amendment no. 999 was not adopted by voice vote.

MOTION

Senator Wagoner moved that the following amendment no. 1029 by Senator Wagoner be adopted:

On page 8, line 24, after "state" insert ";

(d) Members of the United States armed forces under permanent change of station orders to Washington state, who are exempt from the prohibition on importation of large capacity magazines for magazines that were in their possession prior to their arrival in Washington"

Senators Wagoner and Fortunato spoke in favor of adoption of the amendment to the striking amendment.

Senator Dhingra spoke against adoption of the amendment to the striking amendment.

MOTION

Senator Wagoner demanded a roll call.

The President Pro Tempore declared that one-sixth of the members supported the demand, and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senator Wagoner on page 8, line 24 to striking amendment no. 989.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Wagoner and the amendment was not adopted by the following vote: Yeas, 24; Nays, 25; Absent, 0; Excused, 0.

Voting yea: Senators Braun, Brown, Conway, Dozier, Fortunato, Gildon, Hawkins, Holy, Honeyford, King, McCune, Muzzall, Nobles, Padden, Randall, Rivers, Schoesler, Sefzik, Sheldon, Short, Wagoner, Warnick, Wilson, J. and Wilson, L.

Voting nay: Senators Billig, Carlyle, Cleveland, Das, Dhingra, Frockt, Hasegawa, Hunt, Keiser, Kuderer, Lias, Lovelett, Lovick, Mullet, Nguyen, Pedersen, Robinson, Rolfes, Saldaña, Salomon, Stanford, Trudeau, Van De Wege, Wellman and Wilson, C.

WITHDRAWAL OF AMENDMENT

On motion of Senator Wagoner and without objection, amendment no. 1030 by Senator Wagoner on page 8, line 24 to striking amendment no. 989 was withdrawn.

MOTION

Senator Fortunato moved that the following amendment no. 1037 by Senator Fortunato be adopted:

On page 8, line 24, after "state" insert ";

(d) Any large capacity magazine in the inventory of a retail establishment as of the effective date of this section, which is exempt from the prohibition on distribution, sale, and offer for sale for one year after the effective date of this section. Inventory may be proven by purchase agreement, receipts, and photographic or video evidence of inventory"

Senator Fortunato spoke in favor of adoption of the amendment

to the striking amendment.

Senator Liias spoke against adoption of the amendment to the striking amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of amendment no. 1037 by Senator Fortunato on page 8, line 24 to striking amendment no. 989.

The motion by Senator Fortunato did not carry and amendment no. 1037 was not adopted by voice vote.

MOTION

Senator Fortunato moved that the following amendment no. 1038 by Senator Fortunato be adopted:

On page 8, line 24, after "state" insert ";

(d) Any out-of-state resident holding a valid concealed pistol license from a state recognized by Washington, who is exempt from the prohibition on importing a large capacity magazine for 15 days after his or her arrival in Washington"

Senator Fortunato spoke in favor of adoption of the amendment to the striking amendment.

Senator Dhingra spoke against adoption of the amendment to the striking amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of amendment no. 1038 by Senator Fortunato on page 8, line 24 to striking amendment no. 989.

The motion by Senator Fortunato did not carry and amendment no. 1038 was not adopted by voice vote.

MOTION

Senator Padden moved that the following amendment no. 998 by Senator Padden be adopted:

On page 8, beginning on line 27, strike all of section 4

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 9, line 10, after "adding" strike "new sections" and insert "a new section"

Senator Padden spoke in favor of adoption of the amendment to the striking amendment.

Senator Dhingra spoke against adoption of the amendment to the striking amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of amendment no. 998 by Senator Padden on page 8, line 27 to striking amendment no. 989.

The motion by Senator Padden did not carry and amendment no. 998 was not adopted by voice vote.

The President Pro Tempore declared the question before the Senate to be the adoption of striking amendment no. 989 by Senator Liias as amended to Substitute House Bill No. 2078.

The motion by Senator Liias carried and striking amendment no. 989 as amended was adopted by voice vote.

MOTION

On motion of Senator Liias, the rules were suspended, Engrossed Substitute Senate Bill No. 5078 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Liias, Kuderer, Frockt and Trudeau spoke in favor of passage of the bill.

Senators Fortunato, Wagoner and Wilson, L. spoke against

passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5078.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5078 and the bill passed the Senate by the following vote: Yeas, 28; Nays, 20; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Das, Dhingra, Frockt, Hasegawa, Hunt, Keiser, Kuderer, Liias, Lovelett, Lovick, Mullet, Nguyen, Nobles, Pedersen, Randall, Robinson, Rolfes, Saldaña, Salomon, Stanford, Trudeau, Van De Wege, Wellman and Wilson, C.

Voting nay: Senators Braun, Brown, Dozier, Fortunato, Gildon, Hawkins, Holy, Honeyford, King, McCune, Muzzall, Padden, Schoesler, Sefzik, Sheldon, Short, Wagoner, Warnick, Wilson, J. and Wilson, L.

Excused: Senator Rivers

EDITOR'S NOTE: Pursuant to Emergency Rules of the Senate, Sec. II, Rule I (3), due to connectivity issues encountered while recording her vote remotely, Senator Rivers was automatically recorded as excused.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5078, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5054, by Senators Padden, Frockt, Conway, McCune and Short

Concerning impaired driving.

The measure was read the second time.

MOTION

Senator Lovick moved that the following striking amendment no. 944 by Senator Lovick be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 9.94A RCW to read as follows:

(1) An offender is eligible for the special drug offender sentencing alternative for driving under the influence if the offender:

(a) Does not have a prior conviction under RCW 46.61.520, 46.61.522, 46.61.502(6), or 46.61.504(6); and either

(b) Is convicted of felony driving while under the influence of intoxicating liquor, marijuana, or any drug under RCW 46.61.502(6)(a); or

(c) Is convicted of felony physical control of a vehicle while under the influence of intoxicating liquor or any drug under RCW 46.61.504(6)(a).

(2) A motion for a special drug offender sentencing alternative for driving under the influence may be made by the court, the offender, or the state if the midpoint of the standard sentence range is 26 months or less. If an offender has a higher midpoint, a motion for a special drug offender sentencing alternative for

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driving under the influence can only be made by joint agreement of the state and offender.

(3) If the sentencing court determines that the offender is eligible for an alternative sentence under this section and that the alternative sentence is appropriate, the court shall waive imposition of a sentence within the standard sentence range and:

(a) Impose a sentence equivalent to a prison-based alternative under RCW 9.94A.662, and subject to the same requirements and restrictions as are established in that section, if the low end of the standard sentence range is greater than 24 months; or

(b) Impose a sentence consisting of a residential treatment-based alternative consistent with this section if the low end of the standard sentence range is 24 months or less.

(4)(a) To assist the court in making its determination, the court may order the department to complete either a risk assessment report or a substance use disorder screening report as provided in RCW 9.94A.500, or both.

(b) If the court is considering imposing a sentence under the residential substance use disorder treatment-based alternative, the court may order an examination of the offender by the following issues:

- (i) Whether the offender suffers from a substance use disorder;
- (ii) Whether effective treatment for the offender's substance use disorder is available from a provider that has been licensed or certified by the department of health; and
- (iii) Whether the offender and the community will benefit from the use of the alternative.

(5) An offender who is eligible for a residential treatment-based alternative under this section shall be sentenced as follows:

(a) If necessary, an indeterminate term of confinement of no more than 30 days in a facility operated, licensed, or utilized under contract, by the county in order to facilitate direct transfer to a residential substance use disorder treatment facility;

(b) Treatment in a residential substance use disorder treatment program licensed or certified by the department of health for a period set by the court up to six months with treatment completion and continued care delivered in accordance with rules established by the department of health. In establishing rules pursuant to this subsection, the department of health must consider criteria established by the American society of addiction medicine;

(c) Twenty-four months of partial confinement to consist of 12 months work release followed by 12 months of home detention with electronic monitoring; and

(d) Twelve months of community custody.

(6)(a) During any period of partial confinement or community custody, the court shall impose treatment and other conditions as provided in RCW 9.94A.703 or as the court considers appropriate.

(b) The department may impose conditions and sanctions as authorized in RCW 9.94A.704 and 9.94A.737.

(c) The department shall, within available resources, make substance use disorder assessment and treatment services available to the offender.

(d) An offender sentenced to community custody under subsection (3)(a) of this section as part of the prison-based alternative or under subsection (3)(b) of this section as part of the residential treatment-based alternative may be required to pay \$30 per month while on community custody to offset the cost of monitoring for alcohol or controlled substances.

(7)(a) If the court imposes a sentence under subsection (3)(b) of this section, the treatment provider must send the treatment plan to the court within 30 days of the offender's arrival to the residential substance use disorder treatment program.

(b) Upon receipt of the plan, the court shall schedule a progress hearing during the period of treatment and schedule a treatment

termination hearing for three months before the expiration of the term of community custody.

(c) Before the progress hearing and treatment termination hearing, the treatment provider and the department shall submit written reports to the court and parties regarding the offender's compliance with treatment and monitoring requirements and recommendations regarding termination from treatment.

(8) At a progress hearing or treatment termination hearing, the court may:

(a) Authorize the department to terminate the offender's community custody status on the expiration date determined under subsection (7) of this section;

(b) Continue the hearing to a date before the expiration date of community custody, with or without modifying the conditions of partial confinement or community custody; or

(c) Impose a term of total confinement equal to one-half the midpoint of the standard sentence range, followed by a term of community custody under RCW 9.94A.701.

(9)(a) The court may bring any offender sentenced under subsection (3)(a) or (b) of this section back into court at any time on its own initiative to evaluate the offender's progress in treatment or to determine if any violations of the conditions of the sentence have occurred.

(b) If the offender is brought back to court, the court may modify the conditions of partial confinement or community custody or order the offender to serve a term of total confinement within the standard sentence range of the offender's current offense at any time during the period of partial confinement or community custody if the offender violates the conditions or requirements of the sentence or if the offender is failing to make satisfactory progress in treatment.

(c) An offender ordered to serve a term of total confinement under (b) of this subsection shall receive credit for any time previously served in total confinement or residential treatment under this section and shall receive 50 percent credit for any time previously served in partial confinement or community custody under this section.

(10) In serving a term of community custody imposed upon failure to complete, or administrative termination from, the special drug offender sentencing alternative program for driving under the influence under this section, the offender shall receive no credit for time served in community custody prior to termination of the offender's participation in the program.

(11) An offender sentenced under this section shall be subject to all rules relating to earned release time with respect to any period served in total or partial confinement.

(12) Costs of examinations and preparing the recommended service delivery plans under a special drug offender sentencing alternative for driving under the influence may be paid, at the option of the county, from funds provided to the county from the criminal justice treatment account under RCW 71.24.580.

Sec. 2. RCW 9.94A.030 and 2021 c 237 s 1 and 2021 c 215 s 97 are each reenacted and amended to read as follows:

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

(1) "Board" means the indeterminate sentence review board created under chapter 9.95 RCW.

(2) "Collect," or any derivative thereof, "collect and remit," or "collect and deliver," when used with reference to the department, means that the department, either directly or through a collection agreement authorized by RCW 9.94A.760, is responsible for monitoring and enforcing the offender's sentence with regard to the legal financial obligation, receiving payment thereof from the offender, and, consistent with current law, delivering daily the entire payment to the superior court clerk without depositing it in

a departmental account.

(3) "Commission" means the sentencing guidelines commission.

(4) "Community corrections officer" means an employee of the department who is responsible for carrying out specific duties in supervision of sentenced offenders and monitoring of sentence conditions.

(5) "Community custody" means that portion of an offender's sentence of confinement in lieu of earned release time or imposed as part of a sentence under this chapter and served in the community subject to controls placed on the offender's movement and activities by the department.

(6) "Community protection zone" means the area within eight hundred eighty feet of the facilities and grounds of a public or private school.

(7) "Community restitution" means compulsory service, without compensation, performed for the benefit of the community by the offender.

(8) "Confinement" means total or partial confinement.

(9) "Conviction" means an adjudication of guilt pursuant to Title 10 or 13 RCW and includes a verdict of guilty, a finding of guilty, and acceptance of a plea of guilty.

(10) "Crime-related prohibition" means an order of a court prohibiting conduct that directly relates to the circumstances of the crime for which the offender has been convicted, and shall not be construed to mean orders directing an offender affirmatively to participate in rehabilitative programs or to otherwise perform affirmative conduct. However, affirmative acts necessary to monitor compliance with the order of a court may be required by the department.

(11) "Criminal history" means the list of a defendant's prior convictions and juvenile adjudications, whether in this state, in federal court, or elsewhere, and any issued certificates of restoration of opportunity pursuant to RCW 9.97.020.

(a) The history shall include, where known, for each conviction (i) whether the defendant has been placed on probation and the length and terms thereof; and (ii) whether the defendant has been incarcerated and the length of incarceration.

(b) A conviction may be removed from a defendant's criminal history only if it is vacated pursuant to RCW 9.96.060, 9.94A.640, 9.95.240, or a similar out-of-state statute, or if the conviction has been vacated pursuant to a governor's pardon. However, when a defendant is charged with a recidivist offense, "criminal history" includes a vacated prior conviction for the sole purpose of establishing that such vacated prior conviction constitutes an element of the present recidivist offense as provided in RCW 9.94A.640(4)(b) and 9.96.060(7)(c).

(c) The determination of a defendant's criminal history is distinct from the determination of an offender score. A prior conviction that was not included in an offender score calculated pursuant to a former version of the sentencing reform act remains part of the defendant's criminal history.

(12) "Criminal street gang" means any ongoing organization, association, or group of three or more persons, whether formal or informal, having a common name or common identifying sign or symbol, having as one of its primary activities the commission of criminal acts, and whose members or associates individually or collectively engage in or have engaged in a pattern of criminal street gang activity. This definition does not apply to employees engaged in concerted activities for their mutual aid and protection, or to the activities of labor and bona fide nonprofit organizations or their members or agents.

(13) "Criminal street gang associate or member" means any person who actively participates in any criminal street gang and who intentionally promotes, furthers, or assists in any criminal act by the criminal street gang.

(14) "Criminal street gang-related offense" means any felony or misdemeanor offense, whether in this state or elsewhere, that is committed for the benefit of, at the direction of, or in association with any criminal street gang, or is committed with the intent to promote, further, or assist in any criminal conduct by the gang, or is committed for one or more of the following reasons:

(a) To gain admission, prestige, or promotion within the gang;

(b) To increase or maintain the gang's size, membership, prestige, dominance, or control in any geographical area;

(c) To exact revenge or retribution for the gang or any member of the gang;

(d) To obstruct justice, or intimidate or eliminate any witness against the gang or any member of the gang;

(e) To directly or indirectly cause any benefit, aggrandizement, gain, profit, or other advantage for the gang, its reputation, influence, or membership; or

(f) To provide the gang with any advantage in, or any control or dominance over any criminal market sector, including, but not limited to, manufacturing, delivering, or selling any controlled substance (chapter 69.50 RCW); arson (chapter 9A.48 RCW); trafficking in stolen property (chapter 9A.82 RCW); promoting prostitution (chapter 9A.88 RCW); human trafficking (RCW 9A.40.100); promoting commercial sexual abuse of a minor (RCW 9.68A.101); or promoting pornography (chapter 9.68 RCW).

(15) "Day fine" means a fine imposed by the sentencing court that equals the difference between the offender's net daily income and the reasonable obligations that the offender has for the support of the offender and any dependents.

(16) "Day reporting" means a program of enhanced supervision designed to monitor the offender's daily activities and compliance with sentence conditions, and in which the offender is required to report daily to a specific location designated by the department or the sentencing court.

(17) "Department" means the department of corrections.

(18) "Determinate sentence" means a sentence that states with exactitude the number of actual years, months, or days of total confinement, of partial confinement, of community custody, the number of actual hours or days of community restitution work, or dollars or terms of a legal financial obligation. The fact that an offender through earned release can reduce the actual period of confinement shall not affect the classification of the sentence as a determinate sentence.

(19) "Disposable earnings" means that part of the earnings of an offender remaining after the deduction from those earnings of any amount required by law to be withheld. For the purposes of this definition, "earnings" means compensation paid or payable for personal services, whether denominated as wages, salary, commission, bonuses, or otherwise, and, notwithstanding any other provision of law making the payments exempt from garnishment, attachment, or other process to satisfy a court-ordered legal financial obligation, specifically includes periodic payments pursuant to pension or retirement programs, or insurance policies of any type, but does not include payments made under Title 50 RCW, except as provided in RCW 50.40.020 and 50.40.050, or Title 74 RCW.

(20)(a) "Domestic violence" has the same meaning as defined in RCW 10.99.020.

(b) "Domestic violence" also means: (i) Physical harm, bodily injury, assault, or the infliction of fear of imminent physical harm, bodily injury, or assault, sexual assault, or stalking, as defined in RCW 9A.46.110, of one intimate partner by another intimate partner as defined in RCW 10.99.020; or (ii) physical harm, bodily injury, assault, or the infliction of fear of imminent physical harm, bodily injury, or assault, sexual assault, or

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stalking, as defined in RCW 9A.46.110, of one family or household member by another family or household member as defined in RCW 10.99.020.

(21) "Drug offender sentencing alternative" is a sentencing option available to persons convicted of a felony offense who are eligible for the option under RCW 9.94A.660.

(22) "Drug offense" means:

(a) Any felony violation of chapter 69.50 RCW except possession of a controlled substance (RCW 69.50.4013) or forged prescription for a controlled substance (RCW 69.50.403);

(b) Any offense defined as a felony under federal law that relates to the possession, manufacture, distribution, or transportation of a controlled substance; or

(c) Any out-of-state conviction for an offense that under the laws of this state would be a felony classified as a drug offense under (a) of this subsection.

(23) "Earned release" means earned release from confinement as provided in RCW 9.94A.728.

(24) "Electronic monitoring" means tracking the location of an individual through the use of technology that is capable of determining or identifying the monitored individual's presence or absence at a particular location including, but not limited to:

(a) Radio frequency signaling technology, which detects if the monitored individual is or is not at an approved location and notifies the monitoring agency of the time that the monitored individual either leaves the approved location or tampers with or removes the monitoring device; or

(b) Active or passive global positioning system technology, which detects the location of the monitored individual and notifies the monitoring agency of the monitored individual's location and which may also include electronic monitoring with victim notification technology that is capable of notifying a victim or protected party, either directly or through a monitoring agency, if the monitored individual enters within the restricted distance of a victim or protected party, or within the restricted distance of a designated location.

(25) "Escape" means:

(a) Sexually violent predator escape (RCW 9A.76.115), escape in the first degree (RCW 9A.76.110), escape in the second degree (RCW 9A.76.120), willful failure to return from furlough (RCW 72.66.060), willful failure to return from work release (RCW 72.65.070), or willful failure to be available for supervision by the department while in community custody (RCW 72.09.310); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as an escape under (a) of this subsection.

(26) "Felony traffic offense" means:

(a) Vehicular homicide (RCW 46.61.520), vehicular assault (RCW 46.61.522), eluding a police officer (RCW 46.61.024), felony hit-and-run injury-accident (RCW 46.52.020(4)), felony driving while under the influence of intoxicating liquor or any drug (RCW 46.61.502(6)), or felony physical control of a vehicle while under the influence of intoxicating liquor or any drug (RCW 46.61.504(6)); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a felony traffic offense under (a) of this subsection.

(27) "Fine" means a specific sum of money ordered by the sentencing court to be paid by the offender to the court over a specific period of time.

(28) "First-time offender" means any person who has no prior convictions for a felony and is eligible for the first-time offender waiver under RCW 9.94A.650.

(29) "Home detention" is a subset of electronic monitoring and means a program of partial confinement available to offenders

wherein the offender is confined in a private residence twenty-four hours a day, unless an absence from the residence is approved, authorized, or otherwise permitted in the order by the court or other supervising agency that ordered home detention, and the offender is subject to electronic monitoring.

(30) "Homelessness" or "homeless" means a condition where an individual lacks a fixed, regular, and adequate nighttime residence and who has a primary nighttime residence that is:

(a) A supervised, publicly or privately operated shelter designed to provide temporary living accommodations;

(b) A public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings; or

(c) A private residence where the individual stays as a transient invitee.

(31) "Legal financial obligation" means a sum of money that is ordered by a superior court of the state of Washington for legal financial obligations which may include restitution to the victim, statutorily imposed crime victims' compensation fees as assessed pursuant to RCW 7.68.035, court costs, county or interlocal drug funds, court-appointed attorneys' fees, and costs of defense, fines, and any other financial obligation that is assessed to the offender as a result of a felony conviction. Upon conviction for vehicular assault while under the influence of intoxicating liquor or any drug, RCW 46.61.522(1)(b), or vehicular homicide while under the influence of intoxicating liquor or any drug, RCW 46.61.520(1)(a), legal financial obligations may also include payment to a public agency of the expense of an emergency response to the incident resulting in the conviction, subject to RCW 38.52.430.

(32) "Most serious offense" means any of the following felonies or a felony attempt to commit any of the following felonies:

(a) Any felony defined under any law as a class A felony or criminal solicitation of or criminal conspiracy to commit a class A felony;

(b) Assault in the second degree;

(c) Assault of a child in the second degree;

(d) Child molestation in the second degree;

(e) Controlled substance homicide;

(f) Extortion in the first degree;

(g) Incest when committed against a child under age fourteen;

(h) Indecent liberties;

(i) Kidnapping in the second degree;

(j) Leading organized crime;

(k) Manslaughter in the first degree;

(l) Manslaughter in the second degree;

(m) Promoting prostitution in the first degree;

(n) Rape in the third degree;

(o) Sexual exploitation;

(p) Vehicular assault, when caused by the operation or driving of a vehicle by a person while under the influence of intoxicating liquor or any drug or by the operation or driving of a vehicle in a reckless manner;

(q) Vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(r) Any other class B felony offense with a finding of sexual motivation;

(s) Any other felony with a deadly weapon verdict under RCW 9.94A.825;

(t) Any felony offense in effect at any time prior to December 2, 1993, that is comparable to a most serious offense under this subsection, or any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a

most serious offense under this subsection;

(u)(i) A prior conviction for indecent liberties under RCW 9A.44.100(1) (a), (b), and (c), chapter 260, Laws of 1975 1st ex. sess. as it existed until July 1, 1979, RCW 9A.44.100(1) (a), (b), and (c) as it existed from July 1, 1979, until June 11, 1986, and RCW 9A.44.100(1) (a), (b), and (d) as it existed from June 11, 1986, until July 1, 1988;

(ii) A prior conviction for indecent liberties under RCW 9A.44.100(1)(c) as it existed from June 11, 1986, until July 1, 1988, if: (A) The crime was committed against a child under the age of fourteen; or (B) the relationship between the victim and perpetrator is included in the definition of indecent liberties under RCW 9A.44.100(1)(c) as it existed from July 1, 1988, through July 27, 1997, or RCW 9A.44.100(1) (d) or (e) as it existed from July 25, 1993, through July 27, 1997;

(v) Any out-of-state conviction for a felony offense with a finding of sexual motivation if the minimum sentence imposed was ten years or more; provided that the out-of-state felony offense must be comparable to a felony offense under this title and Title 9A RCW and the out-of-state definition of sexual motivation must be comparable to the definition of sexual motivation contained in this section.

(33) "Nonviolent offense" means an offense which is not a violent offense.

(34) "Offender" means a person who has committed a felony established by state law and is eighteen years of age or older or is less than eighteen years of age but whose case is under superior court jurisdiction under RCW 13.04.030 or has been transferred by the appropriate juvenile court to a criminal court pursuant to RCW 13.40.110. In addition, for the purpose of community custody requirements under this chapter, "offender" also means a misdemeanant or gross misdemeanant probationer ordered by a superior court to probation pursuant to RCW 9.92.060, 9.95.204, or 9.95.210 and supervised by the department pursuant to RCW 9.94A.501 and 9.94A.5011. Throughout this chapter, the terms "offender" and "defendant" are used interchangeably.

(35) "Partial confinement" means confinement for no more than one year in a facility or institution operated or utilized under contract by the state or any other unit of government, or, if home detention, electronic monitoring, or work crew has been ordered by the court or home detention has been ordered by the department as part of the parenting program or the graduated reentry program, in an approved residence, for a substantial portion of each day with the balance of the day spent in the community. Partial confinement includes work release, home detention, work crew, electronic monitoring, and a combination of work crew, electronic monitoring, and home detention.

(36) "Pattern of criminal street gang activity" means:

(a) The commission, attempt, conspiracy, or solicitation of, or any prior juvenile adjudication of or adult conviction of, two or more of the following criminal street gang-related offenses:

(i) Any "serious violent" felony offense as defined in this section, excluding Homicide by Abuse (RCW 9A.32.055) and Assault of a Child 1 (RCW 9A.36.120);

(ii) Any "violent" offense as defined by this section, excluding Assault of a Child 2 (RCW 9A.36.130);

(iii) Deliver or Possession with Intent to Deliver a Controlled Substance (chapter 69.50 RCW);

(iv) Any violation of the firearms and dangerous weapon act (chapter 9A.41 RCW);

(v) Theft of a Firearm (RCW 9A.56.300);

(vi) Possession of a Stolen Firearm (RCW 9A.56.310);

(vii) Hate Crime (RCW 9A.36.080);

(viii) Harassment where a subsequent violation or deadly threat is made (RCW 9A.46.020(2)(b));

(ix) Criminal Gang Intimidation (RCW 9A.46.120);

(x) Any felony conviction by a person eighteen years of age or older with a special finding of involving a juvenile in a felony offense under RCW 9.94A.833;

(xi) Residential Burglary (RCW 9A.52.025);

(xii) Burglary 2 (RCW 9A.52.030);

(xiii) Malicious Mischief 1 (RCW 9A.48.070);

(xiv) Malicious Mischief 2 (RCW 9A.48.080);

(xv) Theft of a Motor Vehicle (RCW 9A.56.065);

(xvi) Possession of a Stolen Motor Vehicle (RCW 9A.56.068);

(xvii) Taking a Motor Vehicle Without Permission 1 (RCW 9A.56.070);

(xviii) Taking a Motor Vehicle Without Permission 2 (RCW 9A.56.075);

(xix) Extortion 1 (RCW 9A.56.120);

(xx) Extortion 2 (RCW 9A.56.130);

(xxi) Intimidating a Witness (RCW 9A.72.110);

(xxii) Tampering with a Witness (RCW 9A.72.120);

(xxiii) Reckless Endangerment (RCW 9A.36.050);

(xxiv) Coercion (RCW 9A.36.070);

(xxv) Harassment (RCW 9A.46.020); or

(xxvi) Malicious Mischief 3 (RCW 9A.48.090);

(b) That at least one of the offenses listed in (a) of this subsection shall have occurred after July 1, 2008;

(c) That the most recent committed offense listed in (a) of this subsection occurred within three years of a prior offense listed in (a) of this subsection; and

(d) Of the offenses that were committed in (a) of this subsection, the offenses occurred on separate occasions or were committed by two or more persons.

(37) "Persistent offender" is an offender who:

(a)(i) Has been convicted in this state of any felony considered a most serious offense; and

(ii) Has, before the commission of the offense under (a) of this subsection, been convicted as an offender on at least two separate occasions, whether in this state or elsewhere, of felonies that under the laws of this state would be considered most serious offenses and would be included in the offender score under RCW 9.94A.525; provided that of the two or more previous convictions, at least one conviction must have occurred before the commission of any of the other most serious offenses for which the offender was previously convicted; or

(b)(i) Has been convicted of: (A) Rape in the first degree, rape of a child in the first degree, child molestation in the first degree, rape in the second degree, rape of a child in the second degree, or indecent liberties by forcible compulsion; (B) any of the following offenses with a finding of sexual motivation: Murder in the first degree, murder in the second degree, homicide by abuse, kidnapping in the first degree, kidnapping in the second degree, assault in the first degree, assault in the second degree, assault of a child in the first degree, assault of a child in the second degree, or burglary in the first degree; or (C) an attempt to commit any crime listed in this subsection (37)(b)(i); and

(ii) Has, before the commission of the offense under (b)(i) of this subsection, been convicted as an offender on at least one occasion, whether in this state or elsewhere, of an offense listed in (b)(i) of this subsection or any federal or out-of-state offense or offense under prior Washington law that is comparable to the offenses listed in (b)(i) of this subsection. A conviction for rape of a child in the first degree constitutes a conviction under (b)(i) of this subsection only when the offender was sixteen years of age or older when the offender committed the offense. A conviction for rape of a child in the second degree constitutes a conviction under (b)(i) of this subsection only when the offender was eighteen years of age or older when the offender committed the offense.

(38) "Predatory" means: (a) The perpetrator of the crime was a

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stranger to the victim, as defined in this section; (b) the perpetrator established or promoted a relationship with the victim prior to the offense and the victimization of the victim was a significant reason the perpetrator established or promoted the relationship; or (c) the perpetrator was: (i) A teacher, counselor, volunteer, or other person in authority in any public or private school and the victim was a student of the school under his or her authority or supervision. For purposes of this subsection, "school" does not include home-based instruction as defined in RCW 28A.225.010; (ii) a coach, trainer, volunteer, or other person in authority in any recreational activity and the victim was a participant in the activity under his or her authority or supervision; (iii) 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 his or her authority; or (iv) a teacher, counselor, volunteer, or other person in authority providing home-based instruction and the victim was a student receiving home-based instruction while under his or her authority or supervision. For purposes of this subsection: (A) "Home-based instruction" has the same meaning as defined in RCW 28A.225.010; and (B) "teacher, counselor, volunteer, or other person in authority" does not include the parent or legal guardian of the victim.

(39) "Private school" means a school regulated under chapter 28A.195 or 28A.205 RCW.

(40) "Public school" has the same meaning as in RCW 28A.150.010.

(41) "Recidivist offense" means a felony offense where a prior conviction of the same offense or other specified offense is an element of the crime including, but not limited to:

(a) Assault in the fourth degree where domestic violence is pleaded and proven, RCW 9A.36.041(3);

(b) Cyberstalking, RCW 9.61.260(3)(a);

(c) Harassment, RCW 9A.46.020(2)(b)(i);

(d) Indecent exposure, RCW 9A.88.010(2)(c);

(e) Stalking, RCW 9A.46.110(5)(b) (i) and (iii);

(f) Telephone harassment, RCW 9.61.230(2)(a); and

(g) Violation of a no-contact or protection order, RCW 7.105.450 or former RCW 26.50.110(5).

(42) "Repetitive domestic violence offense" means any:

(a)(i) Domestic violence assault that is not a felony offense under RCW 9A.36.041;

(ii) Domestic violence violation of a no-contact order under chapter 10.99 RCW that is not a felony offense;

(iii) Domestic violence violation of a protection order under chapter 26.09, 26.26A, or 26.26B RCW or former chapter 26.50 RCW, or violation of a domestic violence protection order under chapter 7.105 RCW, that is not a felony offense;

(iv) Domestic violence harassment offense under RCW 9A.46.020 that is not a felony offense; or

(v) Domestic violence stalking offense under RCW 9A.46.110 that is not a felony offense; or

(b) Any federal, out-of-state, tribal court, military, county, or municipal conviction for an offense that under the laws of this state would be classified as a repetitive domestic violence offense under (a) of this subsection.

(43) "Restitution" means a specific sum of money ordered by the sentencing court to be paid by the offender to the court over a specified period of time as payment of damages. The sum may include both public and private costs.

(44) "Risk assessment" means the application of the risk instrument recommended to the department by the Washington state institute for public policy as having the highest degree of predictive accuracy for assessing an offender's risk of reoffense.

(45) "Serious traffic offense" means:

(a) Nonfelony driving while under the influence of intoxicating liquor or any drug (RCW 46.61.502), nonfelony actual physical control while under the influence of intoxicating liquor or any drug (RCW 46.61.504), reckless driving (RCW 46.61.500), or hit-and-run an attended vehicle (RCW 46.52.020(5)); or

(b) Any federal, out-of-state, county, or municipal conviction for an offense that under the laws of this state would be classified as a serious traffic offense under (a) of this subsection.

(46) "Serious violent offense" is a subcategory of violent offense and means:

(a)(i) Murder in the first degree;

(ii) Homicide by abuse;

(iii) Murder in the second degree;

(iv) Manslaughter in the first degree;

(v) Assault in the first degree;

(vi) Kidnapping in the first degree;

(vii) Rape in the first degree;

(viii) Assault of a child in the first degree; or

(ix) An attempt, criminal solicitation, or criminal conspiracy to commit one of these felonies; or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a serious violent offense under (a) of this subsection.

(47) "Sex offense" means:

(a)(i) A felony that is a violation of chapter 9A.44 RCW other than RCW 9A.44.132;

(ii) A violation of RCW 9A.64.020;

(iii) A felony that is a violation of chapter 9.68A RCW other than RCW 9.68A.080;

(iv) A felony that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit such crimes; or

(v) A felony violation of RCW 9A.44.132(1) (failure to register as a sex offender) if the person has been convicted of violating RCW 9A.44.132(1) (failure to register as a sex offender) or 9A.44.130 prior to June 10, 2010, on at least one prior occasion;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a sex offense in (a) of this subsection;

(c) A felony with a finding of sexual motivation under RCW 9.94A.835 or 13.40.135; or

(d) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a sex offense under (a) of this subsection.

(48) "Sexual motivation" means that one of the purposes for which the defendant committed the crime was for the purpose of his or her sexual gratification.

(49) "Standard sentence range" means the sentencing court's discretionary range in imposing a nonappealable sentence.

(50) "Statutory maximum sentence" means the maximum length of time for which an offender may be confined as punishment for a crime as prescribed in chapter 9A.20 RCW, RCW 9.92.010, the statute defining the crime, or other statute defining the maximum penalty for a crime.

(51) "Stranger" means that the victim did not know the offender twenty-four hours before the offense.

(52) "Total confinement" means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for twenty-four hours a day, or pursuant to RCW 72.64.050 and 72.64.060.

(53) "Transition training" means written and verbal instructions and assistance provided by the department to the offender during the two weeks prior to the offender's successful completion of the work ethic camp program. The transition

training shall include instructions in the offender's requirements and obligations during the offender's period of community custody.

(54) "Victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a direct result of the crime charged.

(55) "Victim of domestic violence" means an intimate partner or household member who has been subjected to the infliction of physical harm or sexual and psychological abuse by an intimate partner or household member as part of a pattern of assaultive, coercive, and controlling behaviors directed at achieving compliance from or control over that intimate partner or household member. Domestic violence includes, but is not limited to, the offenses listed in RCW 10.99.020 and 26.50.010 committed by an intimate partner or household member against a victim who is an intimate partner or household member.

(56) "Victim of sex trafficking, prostitution, or commercial sexual abuse of a minor" means a person who has been forced or coerced to perform a commercial sex act including, but not limited to, being a victim of offenses defined in RCW 9A.40.100, 9A.88.070, 9.68A.101, and the trafficking victims protection act of 2000, 22 U.S.C. Sec. 7101 et seq.; or a person who was induced to perform a commercial sex act when they were less than 18 years of age including but not limited to the offenses defined in chapter 9.68A RCW.

(57) "Victim of sexual assault" means any person who is a victim of a sexual assault offense, nonconsensual sexual conduct, or nonconsensual sexual penetration and as a result suffers physical, emotional, financial, or psychological impacts. Sexual assault offenses include, but are not limited to, the offenses defined in chapter 9A.44 RCW.

(58) "Violent offense" means:

(a) Any of the following felonies:

(i) Any felony defined under any law as a class A felony or an attempt to commit a class A felony;

(ii) Criminal solicitation of or criminal conspiracy to commit a class A felony;

(iii) Manslaughter in the first degree;

(iv) Manslaughter in the second degree;

(v) Indecent liberties if committed by forcible compulsion;

(vi) Kidnapping in the second degree;

(vii) Arson in the second degree;

(viii) Assault in the second degree;

(ix) Assault of a child in the second degree;

(x) Extortion in the first degree;

(xi) Robbery in the second degree;

(xii) Drive-by shooting;

(xiii) Vehicular assault, when caused by the operation or driving of a vehicle by a person while under the influence of intoxicating liquor or any drug or by the operation or driving of a vehicle in a reckless manner; and

(xiv) Vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a violent offense in (a) of this subsection; and

(c) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a violent offense under (a) or (b) of this subsection.

(59) "Work crew" means a program of partial confinement consisting of civic improvement tasks for the benefit of the community that complies with RCW 9.94A.725.

(60) "Work ethic camp" means an alternative incarceration program as provided in RCW 9.94A.690 designed to reduce

recidivism and lower the cost of corrections by requiring offenders to complete a comprehensive array of real-world job and vocational experiences, character-building work ethics training, life management skills development, substance abuse rehabilitation, counseling, literacy training, and basic adult education.

(61) "Work release" means a program of partial confinement available to offenders who are employed or engaged as a student in a regular course of study at school.

(62) "Drug offender sentencing alternative for driving under the influence" is a sentencing option available to persons convicted of felony driving while under the influence of intoxicating liquor or any drug under RCW 46.61.502(6), or felony physical control of a vehicle while under the influence of intoxicating liquor or any drug under RCW 46.61.504(6) who are eligible under section 1 of this act.

Sec. 3. RCW 9.94A.190 and 2018 c 166 s 5 are each amended to read as follows:

(1) A sentence that includes a term or terms of confinement totaling more than one year shall be served in a facility or institution operated, or utilized under contract, by the state, or in home detention pursuant to RCW 9.94A.6551 or the graduated reentry program under RCW 9.94A.733. Except as provided in subsection (3) or (5) of this section, a sentence of not more than one year of confinement shall be served in a facility operated, licensed, or utilized under contract, by the county, or if home detention or work crew has been ordered by the court, in the residence of either the offender or a member of the offender's immediate family.

(2) If a county uses a state partial confinement facility for the partial confinement of a person sentenced to confinement for not more than one year, the county shall reimburse the state for the use of the facility as provided in this subsection. The office of financial management shall set the rate of reimbursement based upon the average per diem cost per offender in the facility. The office of financial management shall determine to what extent, if any, reimbursement shall be reduced or eliminated because of funds provided by the legislature to the department for the purpose of covering the cost of county use of state partial confinement facilities. The office of financial management shall reestablish reimbursement rates each even-numbered year.

(3) A person who is sentenced for a felony to a term of not more than one year, and who is committed or returned to incarceration in a state facility on another felony conviction, either under the indeterminate sentencing laws, chapter 9.95 RCW, or under this chapter shall serve all terms of confinement, including a sentence of not more than one year, in a facility or institution operated, or utilized under contract, by the state, consistent with the provisions of RCW 9.94A.589.

(4) Notwithstanding any other provision of this section, a sentence imposed pursuant to RCW 9.94A.660 or section 1 of this act which has a standard sentence range of over one year, regardless of length, shall be served in a facility or institution operated, or utilized under contract, by the state.

(5) Sentences imposed pursuant to RCW 9.94A.507 shall be served in a facility or institution operated, or utilized under contract, by the state.

Sec. 4. RCW 9.94A.501 and 2021 c 242 s 2 are each amended to read as follows:

(1) The department shall supervise the following offenders who are sentenced to probation in superior court, pursuant to RCW 9.92.060, 9.95.204, or 9.95.210:

(a) Offenders convicted of:

(i) Sexual misconduct with a minor second degree;

(ii) Custodial sexual misconduct second degree;

(iii) Communication with a minor for immoral purposes; and

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(iv) Violation of RCW 9A.44.132(2) (failure to register); and
 (b) Offenders who have:

(i) A current conviction for a repetitive domestic violence offense where domestic violence has been pleaded and proven after August 1, 2011; and

(ii) A prior conviction for a repetitive domestic violence offense or domestic violence felony offense where domestic violence has been pleaded and proven after August 1, 2011.

(2) Misdemeanor and gross misdemeanor offenders supervised by the department pursuant to this section shall be placed on community custody.

(3) The department shall supervise every felony offender sentenced to community custody pursuant to RCW 9.94A.701 or 9.94A.702 whose risk assessment classifies the offender as one who is at a high risk to reoffend.

(4) Notwithstanding any other provision of this section, the department shall supervise an offender sentenced to community custody regardless of risk classification if the offender:

(a) Has a current conviction for a sex offense or a serious violent offense and was sentenced to a term of community custody pursuant to RCW 9.94A.701, 9.94A.702, or 9.94A.507;

(b) Has been identified by the department as a dangerous mentally ill offender pursuant to RCW 72.09.370;

(c) Has an indeterminate sentence and is subject to parole pursuant to RCW 9.95.017;

(d) Has a current conviction for violating RCW 9A.44.132(1) (failure to register) and was sentenced to a term of community custody pursuant to RCW 9.94A.701;

(e)(i) Has a current conviction for a domestic violence felony offense where domestic violence has been pleaded and proven after August 1, 2011, and a prior conviction for a repetitive domestic violence offense or domestic violence felony offense where domestic violence was pleaded and proven after August 1, 2011. This subsection (4)(e)(i) applies only to offenses committed prior to July 24, 2015;

(ii) Has a current conviction for a domestic violence felony offense where domestic violence was pleaded and proven. The state and its officers, agents, and employees shall not be held criminally or civilly liable for its supervision of an offender under this subsection (4)(e)(ii) unless the state and its officers, agents, and employees acted with gross negligence;

(f) Was sentenced under RCW 9.94A.650, 9.94A.655, 9.94A.660, 9.94A.670, 9.94A.711, ~~(9.94A.695)~~, or section 1 of this act;

(g) Is subject to supervision pursuant to RCW 9.94A.745; or

(h) Was convicted and sentenced under RCW 46.61.520 (vehicular homicide), RCW 46.61.522 (vehicular assault), RCW 46.61.502(6) (felony DUI), or RCW 46.61.504(6) (felony physical control).

(5) The department shall supervise any offender who is released by the indeterminate sentence review board and who was sentenced to community custody or subject to community custody under the terms of release.

(6) The department is not authorized to, and may not, supervise any offender sentenced to a term of community custody or any probationer unless the offender or probationer is one for whom supervision is required under this section or RCW 9.94A.5011.

(7) The department shall conduct a risk assessment for every felony offender sentenced to a term of community custody who may be subject to supervision under this section or RCW 9.94A.5011.

(8) The period of time the department is authorized to supervise an offender under this section may not exceed the duration of community custody specified under RCW 9.94B.050, 9.94A.701 (1) through (9), or 9.94A.702, except in cases where the court has

imposed an exceptional term of community custody under RCW 9.94A.535.

(9) The period of time the department is authorized to supervise an offender under this section may be reduced by the earned award of supervision compliance credit pursuant to RCW 9.94A.717.

Sec. 5. RCW 9.94A.505 and 2021 c 242 s 3 are each amended to read as follows:

(1) When a person is convicted of a felony, the court shall impose punishment as provided in this chapter.

(2)(a) The court shall impose a sentence as provided in the following sections and as applicable in the case:

(i) Unless another term of confinement applies, a sentence within the standard sentence range established in RCW 9.94A.510 or 9.94A.517;

(ii) RCW 9.94A.701 and 9.94A.702, relating to community custody;

(iii) RCW 9.94A.570, relating to persistent offenders;

(iv) RCW 9.94A.540, relating to mandatory minimum terms;

(v) RCW 9.94A.650, relating to the first-time offender waiver;

(vi) RCW 9.94A.660, relating to the drug offender sentencing alternative;

(vii) Section 1 of this act, relating to the drug offender sentencing alternative for driving under the influence;

(viii) RCW 9.94A.670, relating to the special sex offender sentencing alternative;

~~((viii))~~ (ix) RCW 9.94A.655, relating to the parenting sentencing alternative;

~~((ix))~~ (x) RCW 9.94A.695, relating to the mental health sentencing alternative;

~~((x))~~ (xi) RCW 9.94A.507, relating to certain sex offenses;

~~((xi))~~ (xii) RCW 9.94A.535, relating to exceptional sentences;

~~((xii))~~ (xiii) RCW 9.94A.589, relating to consecutive and concurrent sentences;

~~((xiii))~~ (xiv) RCW 9.94A.603, relating to felony driving while under the influence of intoxicating liquor or any drug and felony physical control of a vehicle while under the influence of intoxicating liquor or any drug;

~~((xiv))~~ (xv) RCW 9.94A.711, relating to the theft or taking of a motor vehicle.

(b) If a standard sentence range has not been established for the offender's crime, the court shall impose a determinate sentence which may include not more than one year of confinement; community restitution work; a term of community custody under RCW 9.94A.702 not to exceed one year; and/or other legal financial obligations. The court may impose a sentence which provides more than one year of confinement and a community custody term under RCW 9.94A.701 if the court finds reasons justifying an exceptional sentence as provided in RCW 9.94A.535.

(3) If the court imposes a sentence requiring confinement of thirty days or less, the court may, in its discretion, specify that the sentence be served on consecutive or intermittent days. A sentence requiring more than thirty days of confinement shall be served on consecutive days. Local jail administrators may schedule court-ordered intermittent sentences as space permits.

(4) If a sentence imposed includes payment of a legal financial obligation, it shall be imposed as provided in RCW 9.94A.750, 9.94A.753, 9.94A.760, and 43.43.7541.

(5) Except as provided under RCW 9.94A.750(4) and 9.94A.753(4), a court may not impose a sentence providing for a term of confinement or community custody that exceeds the statutory maximum for the crime as provided in chapter 9A.20 RCW.

(6) The sentencing court shall give the offender credit for all confinement time served before the sentencing if that confinement was solely in regard to the offense for which the offender is being sentenced.

(7) The sentencing court shall not give the offender credit for any time the offender was required to comply with an electronic monitoring program prior to sentencing if the offender was convicted of one of the following offenses:

- (a) A violent offense;
- (b) Any sex offense;
- (c) Any drug offense;
- (d) Reckless burning in the first or second degree as defined in RCW 9A.48.040 or 9A.48.050;
- (e) Assault in the third degree as defined in RCW 9A.36.031;
- (f) Assault of a child in the third degree;
- (g) Unlawful imprisonment as defined in RCW 9A.40.040; or
- (h) Harassment as defined in RCW 9A.46.020.

(8) The court shall order restitution as provided in RCW 9.94A.750 and 9.94A.753.

(9) As a part of any sentence, the court may impose and enforce crime-related prohibitions and affirmative conditions as provided in this chapter. "Crime-related prohibitions" may include a prohibition on the use or possession of alcohol or controlled substances if the court finds that any chemical dependency or substance abuse contributed to the offense.

(10) In any sentence of partial confinement, the court may require the offender to serve the partial confinement in work release, in a program of home detention, on work crew, or in a combined program of work crew and home detention.

Sec. 6. RCW 9.94A.525 and 2021 c 215 s 100 are each amended to read as follows:

The offender score is measured on the horizontal axis of the sentencing grid. The offender score rules are as follows:

The offender score is the sum of points accrued under this section rounded down to the nearest whole number.

(1) A prior conviction is a conviction which exists before the date of sentencing for the offense for which the offender score is being computed. Convictions entered or sentenced on the same date as the conviction for which the offender score is being computed shall be deemed "other current offenses" within the meaning of RCW 9.94A.589.

(2)(a) Class A and sex prior felony convictions shall always be included in the offender score.

(b) Class B prior felony convictions other than sex offenses shall not be included in the offender score, if since the last date of release from confinement (including full-time residential treatment) pursuant to a felony conviction, if any, or entry of judgment and sentence, the offender had spent ten consecutive years in the community without committing any crime that subsequently results in a conviction.

(c) Except as provided in (e) of this subsection, class C prior felony convictions other than sex offenses shall not be included in the offender score if, since the last date of release from confinement (including full-time residential treatment) pursuant to a felony conviction, if any, or entry of judgment and sentence, the offender had spent five consecutive years in the community without committing any crime that subsequently results in a conviction.

(d) Except as provided in (e) of this subsection, serious traffic convictions shall not be included in the offender score if, since the last date of release from confinement (including full-time residential treatment) pursuant to a conviction, if any, or entry of judgment and sentence, the offender spent five years in the community without committing any crime that subsequently results in a conviction.

(e) If the present conviction is felony driving while under the

influence of intoxicating liquor or any drug (RCW 46.61.502(6)) or felony physical control of a vehicle while under the influence of intoxicating liquor or any drug (RCW 46.61.504(6)), all predicate crimes for the offense as defined by RCW 46.61.5055(14) shall be included in the offender score, and prior convictions for felony driving while under the influence of intoxicating liquor or any drug (RCW 46.61.502(6)) or felony physical control of a vehicle while under the influence of intoxicating liquor or any drug (RCW 46.61.504(6)) shall always be included in the offender score. All other convictions of the defendant shall be scored according to this section.

(f) Prior convictions for a repetitive domestic violence offense, as defined in RCW 9.94A.030, shall not be included in the offender score if, since the last date of release from confinement or entry of judgment and sentence, the offender had spent ten consecutive years in the community without committing any crime that subsequently results in a conviction.

(g) This subsection applies to both adult and juvenile prior convictions.

(3) Out-of-state convictions for offenses shall be classified according to the comparable offense definitions and sentences provided by Washington law. Federal convictions for offenses shall be classified according to the comparable offense definitions and sentences provided by Washington law. If there is no clearly comparable offense under Washington law or the offense is one that is usually considered subject to exclusive federal jurisdiction, the offense shall be scored as a class C felony equivalent if it was a felony under the relevant federal statute.

(4) Score prior convictions for felony anticipatory offenses (attempts, criminal solicitations, and criminal conspiracies) the same as if they were convictions for completed offenses.

(5)(a) In the case of multiple prior convictions, for the purpose of computing the offender score, count all convictions separately, except:

(i) Prior offenses which were found, under RCW 9.94A.589(1)(a), to encompass the same criminal conduct, shall be counted as one offense, the offense that yields the highest offender score. The current sentencing court shall determine with respect to other prior adult offenses for which sentences were served concurrently or prior juvenile offenses for which sentences were served consecutively, whether those offenses shall be counted as one offense or as separate offenses using the "same criminal conduct" analysis found in RCW 9.94A.589(1)(a), and if the court finds that they shall be counted as one offense, then the offense that yields the highest offender score shall be used. The current sentencing court may presume that such other prior offenses were not the same criminal conduct from sentences imposed on separate dates, or in separate counties or jurisdictions, or in separate complaints, indictments, or informations;

(ii) In the case of multiple prior convictions for offenses committed before July 1, 1986, for the purpose of computing the offender score, count all adult convictions served concurrently as one offense, and count all juvenile convictions entered on the same date as one offense. Use the conviction for the offense that yields the highest offender score.

(b) As used in this subsection (5), "served concurrently" means that: (i) The latter sentence was imposed with specific reference to the former; (ii) the concurrent relationship of the sentences was judicially imposed; and (iii) the concurrent timing of the sentences was not the result of a probation or parole revocation on the former offense.

(6) If the present conviction is one of the anticipatory offenses of criminal attempt, solicitation, or conspiracy, count each prior conviction as if the present conviction were for a completed offense. When these convictions are used as criminal history, score them the same as a completed crime.

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(7) If the present conviction is for a nonviolent offense and not covered by subsection (11), (12), or (13) of this section, count one point for each adult prior felony conviction and one point for each juvenile prior violent felony conviction and 1/2 point for each juvenile prior nonviolent felony conviction.

(8) If the present conviction is for a violent offense and not covered in subsection (9), (10), (11), (12), or (13) of this section, count two points for each prior adult and juvenile violent felony conviction, one point for each prior adult nonviolent felony conviction, and 1/2 point for each prior juvenile nonviolent felony conviction.

(9) If the present conviction is for a serious violent offense, count three points for prior adult and juvenile convictions for crimes in this category, two points for each prior adult and juvenile violent conviction (not already counted), one point for each prior adult nonviolent felony conviction, and 1/2 point for each prior juvenile nonviolent felony conviction.

(10) If the present conviction is for Burglary 1, count prior convictions as in subsection (8) of this section; however count two points for each prior adult Burglary 2 or residential burglary conviction, and one point for each prior juvenile Burglary 2 or residential burglary conviction.

(11) If the present conviction is for a felony traffic offense count two points for each adult or juvenile prior conviction for Vehicular Homicide or Vehicular Assault; for each felony offense count one point for each adult and 1/2 point for each juvenile prior conviction; for each serious traffic offense, other than those used for an enhancement pursuant to RCW 46.61.520(2), count one point for each adult and 1/2 point for each juvenile prior conviction; count one point for each adult and 1/2 point for each juvenile prior conviction for operation of a vessel while under the influence of intoxicating liquor or any drug.

(12) If the present conviction is for homicide by watercraft or assault by watercraft count two points for each adult or juvenile prior conviction for homicide by watercraft or assault by watercraft; for each felony offense count one point for each adult and 1/2 point for each juvenile prior conviction; count one point for each adult and 1/2 point for each juvenile prior conviction for driving under the influence of intoxicating liquor or any drug, actual physical control of a motor vehicle while under the influence of intoxicating liquor or any drug, or operation of a vessel while under the influence of intoxicating liquor or any drug.

(13) If the present conviction is for manufacture of methamphetamine count three points for each adult prior manufacture of methamphetamine conviction and two points for each juvenile manufacture of methamphetamine offense. If the present conviction is for a drug offense and the offender has a criminal history that includes a sex offense or serious violent offense, count three points for each adult prior felony drug offense conviction and two points for each juvenile drug offense. All other adult and juvenile felonies are scored as in subsection (8) of this section if the current drug offense is violent, or as in subsection (7) of this section if the current drug offense is nonviolent.

(14) If the present conviction is for Escape from Community Custody, RCW 72.09.310, count only prior escape convictions in the offender score. Count adult prior escape convictions as one point and juvenile prior escape convictions as 1/2 point.

(15) If the present conviction is for Escape 1, RCW 9A.76.110, or Escape 2, RCW 9A.76.120, count adult prior convictions as one point and juvenile prior convictions as 1/2 point.

(16) If the present conviction is for Burglary 2 or residential burglary, count priors as in subsection (7) of this section; however, count two points for each adult and juvenile prior

Burglary 1 conviction, two points for each adult prior Burglary 2 or residential burglary conviction, and one point for each juvenile prior Burglary 2 or residential burglary conviction.

(17) If the present conviction is for a sex offense, count priors as in subsections (7) through (11) and (13) through (16) of this section; however count three points for each adult and juvenile prior sex offense conviction.

(18) If the present conviction is for failure to register as a sex offender under RCW (~~9A.44.130 or~~) 9A.44.132, count priors as in subsections (7) through (11) and (13) through (16) of this section; however count three points for each adult and juvenile prior sex offense conviction, excluding prior convictions for failure to register as a sex offender under RCW (~~9A.44.130 or~~) 9A.44.132, which shall count as one point.

(19) If the present conviction is for an offense committed while the offender was under community custody, add one point. For purposes of this subsection, community custody includes community placement or postrelease supervision, as defined in chapter 9.94B RCW.

(20) If the present conviction is for Theft of a Motor Vehicle, Possession of a Stolen Vehicle, Taking a Motor Vehicle Without Permission 1, or Taking a Motor Vehicle Without Permission 2, count priors as in subsections (7) through (18) of this section; however count one point for prior convictions of Vehicle Prowling 2, and three points for each adult and juvenile prior Theft 1 (of a motor vehicle), Theft 2 (of a motor vehicle), Possession of Stolen Property 1 (of a motor vehicle), Possession of Stolen Property 2 (of a motor vehicle), Theft of a Motor Vehicle, Possession of a Stolen Vehicle, Taking a Motor Vehicle Without Permission 1, or Taking a Motor Vehicle Without Permission 2 conviction.

(21) If the present conviction is for a felony domestic violence offense where domestic violence as defined in RCW 9.94A.030 was pleaded and proven, count priors as in subsections (7) through (20) of this section; however, count points as follows:

(a) Count two points for each adult prior conviction where domestic violence as defined in RCW 9.94A.030 was pleaded and proven after August 1, 2011, for any of the following offenses: A felony violation of a no-contact or protection order (RCW 7.105.450 or former RCW 26.50.110), felony Harassment (RCW 9A.46.020(2)(b)), felony Stalking (RCW 9A.46.110(5)(b)), Burglary 1 (RCW 9A.52.020), Kidnapping 1 (RCW 9A.40.020), Kidnapping 2 (RCW 9A.40.030), Unlawful imprisonment (RCW 9A.40.040), Robbery 1 (RCW 9A.56.200), Robbery 2 (RCW 9A.56.210), Assault 1 (RCW 9A.36.011), Assault 2 (RCW 9A.36.021), Assault 3 (RCW 9A.36.031), Arson 1 (RCW 9A.48.020), or Arson 2 (RCW 9A.48.030);

(b) Count two points for each adult prior conviction where domestic violence as defined in RCW 9.94A.030 was pleaded and proven after July 23, 2017, for any of the following offenses: Assault of a child in the first degree, RCW 9A.36.120; Assault of a child in the second degree, RCW 9A.36.130; Assault of a child in the third degree, RCW 9A.36.140; Criminal Mistreatment in the first degree, RCW 9A.42.020; or Criminal Mistreatment in the second degree, RCW 9A.42.030;

(c) Count one point for each second and subsequent juvenile conviction where domestic violence as defined in RCW 9.94A.030 was pleaded and proven after August 1, 2011, for the offenses listed in (a) of this subsection; and

(d) Count one point for each adult prior conviction for a repetitive domestic violence offense as defined in RCW 9.94A.030, where domestic violence as defined in RCW 9.94A.030, was pleaded and proven after August 1, 2011.

(22) The fact that a prior conviction was not included in an offender's offender score or criminal history at a previous

sentencing shall have no bearing on whether it is included in the criminal history or offender score for the current offense. Prior convictions that were not counted in the offender score or included in criminal history under repealed or previous versions of the sentencing reform act shall be included in criminal history and shall count in the offender score if the current version of the sentencing reform act requires including or counting those convictions. Prior convictions that were not included in criminal history or in the offender score shall be included upon any resentencing to ensure imposition of an accurate sentence.

Sec. 7. RCW 9.94A.633 and 2021 c 242 s 4 are each amended to read as follows:

(1)(a) An offender who violates any condition or requirement of a sentence may be sanctioned by the court with up to sixty days' confinement for each violation or by the department with up to thirty days' confinement as provided in RCW 9.94A.737.

(b) In lieu of confinement, an offender may be sanctioned with work release, home detention with electronic monitoring, work crew, community restitution, inpatient treatment, daily reporting, curfew, educational or counseling sessions, supervision enhanced through electronic monitoring, or any other community-based sanctions.

(2) If an offender was under community custody pursuant to one of the following statutes, the offender may be sanctioned as follows:

(a) If the offender was transferred to community custody in lieu of earned early release in accordance with RCW 9.94A.728, the offender may be transferred to a more restrictive confinement status to serve up to the remaining portion of the sentence, less credit for any period actually spent in community custody or in detention awaiting disposition of an alleged violation.

(b) If the offender was sentenced under the drug offender sentencing alternative set out in RCW 9.94A.660, the offender may be sanctioned in accordance with that section.

(c) If the offender was sentenced under the drug offender sentencing alternative for driving under the influence set out in section 1 of this act, the offender may be sanctioned in accordance with that section.

(d) If the offender was sentenced under the parenting sentencing alternative set out in RCW 9.94A.655, the offender may be sanctioned in accordance with that section.

~~((4))~~ (e) If the offender was sentenced under the special sex offender sentencing alternative set out in RCW 9.94A.670, the suspended sentence may be revoked and the offender committed to serve the original sentence of confinement.

~~((5))~~ (f) If the offender was sentenced under the mental health sentencing alternative set out in RCW 9.94A.695, the offender may be sanctioned in accordance with that section.

~~((6))~~ (g) If the offender was sentenced to a work ethic camp pursuant to RCW 9.94A.690, the offender may be reclassified to serve the unexpired term of his or her sentence in total confinement.

~~((7))~~ (h) If a sex offender was sentenced pursuant to RCW 9.94A.507, the offender may be transferred to a more restrictive confinement status to serve up to the remaining portion of the sentence, less credit for any period actually spent in community custody or in detention awaiting disposition of an alleged violation.

(3) If a probationer is being supervised by the department pursuant to RCW 9.92.060, 9.95.204, or 9.95.210, the probationer may be sanctioned pursuant to subsection (1) of this section. The department shall have authority to issue a warrant for the arrest of an offender who violates a condition of community custody, as provided in RCW 9.94A.716. Any sanctions shall be imposed by the department pursuant to RCW 9.94A.737. Nothing in this subsection is intended to limit the power of the sentencing court

to respond to a probationer's violation of conditions.

(4) The parole or probation of an offender who is charged with a new felony offense may be suspended and the offender placed in total confinement pending disposition of the new criminal charges if:

(a) The offender is on parole pursuant to RCW 9.95.110(1); or

(b) The offender is being supervised pursuant to RCW 9.94A.745 and is on parole or probation pursuant to the laws of another state.

Sec. 8. RCW 9.94A.6332 and 2021 c 242 s 5 are each amended to read as follows:

The procedure for imposing sanctions for violations of sentence conditions or requirements is as follows:

(1) If the offender was sentenced under the drug offender sentencing alternative, any sanctions shall be imposed by the department or the court pursuant to RCW 9.94A.660.

(2) If the offender was sentenced under the drug offender sentencing alternative for driving under the influence, any sanctions shall be imposed by the department or the court pursuant to section 1 of this act.

(3) If the offender was sentenced under the special sex offender sentencing alternative, any sanctions shall be imposed by the department or the court pursuant to RCW 9.94A.670.

~~((3))~~ (4) If the offender was sentenced under the parenting sentencing alternative, any sanctions shall be imposed by the department or by the court pursuant to RCW 9.94A.655.

~~((4))~~ (5) If the offender was sentenced under the mental health sentencing alternative, any sanctions shall be imposed by the department or the court pursuant to RCW 9.94A.695.

~~((5))~~ (6) If a sex offender was sentenced pursuant to RCW 9.94A.507, any sanctions shall be imposed by the board pursuant to RCW 9.95.435.

~~((6))~~ (7) If the offender was released pursuant to RCW 9.94A.730, any sanctions shall be imposed by the board pursuant to RCW 9.95.435.

~~((7))~~ (8) If the offender was sentenced pursuant to RCW 10.95.030(3) or 10.95.035, any sanctions shall be imposed by the board pursuant to RCW 9.95.435.

~~((8))~~ (9) In any other case, if the offender is being supervised by the department, any sanctions shall be imposed by the department pursuant to RCW 9.94A.737. If a probationer is being supervised by the department pursuant to RCW 9.92.060, 9.95.204, or 9.95.210, upon receipt of a violation hearing report from the department, the court retains any authority that those statutes provide to respond to a probationer's violation of conditions.

~~((9))~~ (10) If the offender is not being supervised by the department, any sanctions shall be imposed by the court pursuant to RCW 9.94A.6333.

Sec. 9. RCW 9.94A.660 and 2021 c 215 s 102 are each amended to read as follows:

(1) An offender is eligible for the special drug offender sentencing alternative if:

(a) The offender is convicted of a felony that is not a violent offense and the violation does not involve a sentence enhancement under RCW 9.94A.533 (3) or (4);

(b) The offender is convicted of a felony that is not a felony driving while under the influence of intoxicating liquor or any drug under RCW 46.61.502(6) or felony physical control of a vehicle while under the influence of intoxicating liquor or any drug under RCW 46.61.504(6);

(c) The offender has no current or prior convictions for a sex offense for which the offender is currently or may be required to register pursuant to RCW 9A.44.130;

(d) The offender has no prior convictions in this state, and no prior convictions for an equivalent out-of-state or federal offense,

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for the following offenses during the following time frames:

(i) Robbery in the second degree that did not involve the use of a firearm and was not reduced from robbery in the first degree within seven years before conviction of the current offense; or

(ii) Any other violent offense within ten years before conviction of the current offense;

(e) For a violation of the uniform controlled substances act under chapter 69.50 RCW or a criminal solicitation to commit such a violation under chapter 9A.28 RCW, the offense involved only a small quantity of the particular controlled substance as determined by the judge upon consideration of such factors as the weight, purity, packaging, sale price, and street value of the controlled substance;

(f) The offender has not been found by the United States attorney general to be subject to a deportation detainer or order and does not become subject to a deportation order during the period of the sentence; and

(g) The offender has not received a drug offender sentencing alternative under this section, or a drug offender sentencing alternative for driving under the influence under section 1 of this act, more than once in the prior ten years before the current offense.

(2) A motion for a special drug offender sentencing alternative may be made by the court, the offender, or the state.

(3) If the sentencing court determines that the offender is eligible for an alternative sentence under this section and that the alternative sentence is appropriate, the court shall waive imposition of a sentence within the standard sentence range and impose a sentence consisting of either a prison-based alternative under RCW 9.94A.662 or a residential substance use disorder treatment-based alternative under RCW 9.94A.664. The residential substance use disorder treatment-based alternative is only available if the midpoint of the standard sentence range is twenty-six months or less.

(4)(a) To assist the court in making its determination, the court may order the department to complete either or both a risk assessment report and a substance use disorder screening report as provided in RCW 9.94A.500.

(b) To assist the court in making its determination in domestic violence cases, the court shall order the department to complete a presentence investigation and a chemical dependency screening report as provided in RCW 9.94A.500, unless otherwise specifically waived by the court.

(5) If the court is considering imposing a sentence under the residential substance use disorder treatment-based alternative, the court may order an examination of the offender by the department. The examination must be performed by an agency licensed or certified by the department of health to provide substance use disorder services. The examination shall, at a minimum, address the following issues:

(a) Whether the offender suffers from a substance use disorder;

(b) ~~((Whether the substance use disorder is such that there is a probability that criminal behavior will occur in the future;~~

(~~e~~)) Whether effective treatment for the offender's substance use disorder is available from a provider that has been licensed or certified by the department of health, and where applicable, whether effective domestic violence perpetrator treatment is available from a state-certified domestic violence treatment provider pursuant to RCW 43.20A.735; and

~~((c))~~ (c) Whether the offender and the community will benefit from the use of the alternative.

(6) When a court imposes a sentence of community custody under this section:

(a) The court may impose conditions as provided in RCW 9.94A.703 and may impose other affirmative conditions as the

court considers appropriate. In addition, an offender may be required to pay thirty dollars per month while on community custody to offset the cost of monitoring for alcohol or controlled substances, or in cases of domestic violence for monitoring with global positioning system technology for compliance with a no-contact order.

(b) The department may impose conditions and sanctions as authorized in RCW 9.94A.704 and 9.94A.737.

(7)(a) The court may bring any offender sentenced under this section back into court at any time on its own initiative to evaluate the offender's progress in treatment or to determine if any violations of the conditions of the sentence have occurred.

(b) If the offender is brought back to court, the court may modify the conditions of the community custody or impose sanctions under (c) of this subsection.

(c) The court may order the offender to serve a term of total confinement within the standard sentence range of the offender's current offense at any time during the period of community custody if the offender violates the conditions or requirements of the sentence or if the offender is failing to make satisfactory progress in treatment.

(d) An offender ordered to serve a term of total confinement under (c) of this subsection shall receive credit for time previously served in total or partial confinement and inpatient treatment under this section, and shall receive fifty percent credit for time previously served in community custody under this section.

(8) In serving a term of community custody imposed upon failure to complete, or administrative termination from, the special drug offender sentencing alternative program, the offender shall receive no credit for time served in community custody prior to termination of the offender's participation in the program.

(9) An offender sentenced under this section shall be subject to all rules relating to earned release time with respect to any period served in total confinement.

(10) The Washington state institute for public policy shall submit a report to the governor and the appropriate committees of the legislature by November 1, 2022, analyzing the effectiveness of the drug offender sentencing alternative in reducing recidivism among various offender populations. An additional report is due November 1, 2028, and every five years thereafter. The Washington state institute for public policy may coordinate with the department and the caseload forecast council in tracking data and preparing the report.

Sec. 10. RCW 9.94A.701 and 2021 c 242 s 6 are each amended to read as follows:

(1) If an offender is sentenced to the custody of the department for one of the following crimes, the court shall, in addition to the other terms of the sentence, sentence the offender to community custody for three years:

(a) A sex offense not sentenced under RCW 9.94A.507; or

(b) A serious violent offense.

(2) A court shall, in addition to the other terms of the sentence, sentence an offender to community custody for eighteen months when the court sentences the person to the custody of the department for a violent offense that is not considered a serious violent offense.

(3) A court shall, in addition to the other terms of the sentence, sentence an offender to community custody for one year when the court sentences the person to the custody of the department for:

(a) Any crime against persons under RCW 9.94A.411(2);

(b) An offense involving the unlawful possession of a firearm under RCW 9.41.040, where the offender is a criminal street gang member or associate;

(c) A felony offense under chapter 69.50 or 69.52 RCW,

committed on or after July 1, 2000; or

(d) A felony violation of RCW 9A.44.132(1) (failure to register) that is the offender's first violation for a felony failure to register.

(4) If an offender is sentenced under the drug offender sentencing alternative, the court shall impose community custody as provided in:

(a) RCW 9.94A.660 and 9.94A.662 for a prison-based drug offender sentencing alternative;

(b) RCW 9.94A.660 and 9.94A.664 for a residential-based drug offender sentencing alternative;

(c) RCW 9.94A.662 and section 1(6) of this act for a prison-based drug offender sentencing alternative for driving under the influence; and

(d) Section 1 (5) and (6) of this act for a residential-based drug offender sentencing alternative for driving under the influence.

(5) If an offender is sentenced under the special sex offender sentencing alternative, the court shall impose community custody as provided in RCW 9.94A.670.

(6) If an offender is sentenced to a work ethic camp, the court shall impose community custody as provided in RCW 9.94A.690.

(7) If an offender is sentenced under the parenting sentencing alternative, the court shall impose a term of community custody as provided in RCW 9.94A.655.

(8) If the offender is sentenced under the mental health sentencing alternative, the court shall impose a term of community custody as provided in RCW 9.94A.695.

(9) If a sex offender is sentenced as a nonpersistent offender pursuant to RCW 9.94A.507, the court shall impose community custody as provided in that section.

(10) The term of community custody specified by this section shall be reduced by the court whenever an offender's standard sentence range term of confinement in combination with the term of community custody exceeds the statutory maximum for the crime as provided in RCW 9A.20.021.

Sec. 11. RCW 46.61.502 and 2017 c 335 s 1 are each amended to read as follows:

(1) A person is guilty of driving while under the influence of intoxicating liquor, marijuana, or any drug if the person drives a vehicle within this state:

(a) And the person has, within two hours after driving, an alcohol concentration of 0.08 or higher as shown by analysis of the person's breath or blood made under RCW 46.61.506; or

(b) The person has, within two hours after driving, a THC concentration of 5.00 or higher as shown by analysis of the person's blood made under RCW 46.61.506; or

(c) While the person is under the influence of or affected by intoxicating liquor, marijuana, or any drug; or

(d) While the person is under the combined influence of or affected by intoxicating liquor, marijuana, and any drug.

(2) The fact that a person charged with a violation of this section is or has been entitled to use a drug under the laws of this state shall not constitute a defense against a charge of violating this section.

(3)(a) It is an affirmative defense to a violation of subsection (1)(a) of this section, which the defendant must prove by a preponderance of the evidence, that the defendant consumed a sufficient quantity of alcohol after the time of driving and before the administration of an analysis of the person's breath or blood to cause the defendant's alcohol concentration to be 0.08 or more within two hours after driving. The court shall not admit evidence of this defense unless the defendant notifies the prosecution prior to the omnibus or pretrial hearing in the case of the defendant's intent to assert the affirmative defense.

(b) It is an affirmative defense to a violation of subsection (1)(b) of this section, which the defendant must prove by a

preponderance of the evidence, that the defendant consumed a sufficient quantity of marijuana after the time of driving and before the administration of an analysis of the person's blood to cause the defendant's THC concentration to be 5.00 or more within two hours after driving. The court shall not admit evidence of this defense unless the defendant notifies the prosecution prior to the omnibus or pretrial hearing in the case of the defendant's intent to assert the affirmative defense.

(4)(a) Analyses of blood or breath samples obtained more than two hours after the alleged driving may be used as evidence that within two hours of the alleged driving, a person had an alcohol concentration of 0.08 or more in violation of subsection (1)(a) of this section, and in any case in which the analysis shows an alcohol concentration above 0.00 may be used as evidence that a person was under the influence of or affected by intoxicating liquor or any drug in violation of subsection (1)(c) or (d) of this section.

(b) Analyses of blood samples obtained more than two hours after the alleged driving may be used as evidence that within two hours of the alleged driving, a person had a THC concentration of 5.00 or more in violation of subsection (1)(b) of this section, and in any case in which the analysis shows a THC concentration above 0.00 may be used as evidence that a person was under the influence of or affected by marijuana in violation of subsection (1)(c) or (d) of this section.

(5) Except as provided in subsection (6) of this section, a violation of this section is a gross misdemeanor.

(6) It is a class B felony punishable under chapter 9.94A RCW, or chapter 13.40 RCW if the person is a juvenile, if:

(a) The person has three or more prior offenses within ~~(ten)~~ 15 years as defined in RCW 46.61.5055; or

(b) The person has ever previously been convicted of:

(i) Vehicular homicide while under the influence of intoxicating liquor or any drug, RCW 46.61.520(1)(a);

(ii) Vehicular assault while under the influence of intoxicating liquor or any drug, RCW 46.61.522(1)(b);

(iii) An out-of-state offense comparable to the offense specified in (b)(i) or (ii) of this subsection; or

(iv) A violation of this subsection (6) or RCW 46.61.504(6).

Sec. 12. RCW 46.61.5055 and 2020 c 330 s 15 are each amended to read as follows:

(1) **No prior offenses in seven years.** Except as provided in RCW 46.61.502(6) or 46.61.504(6), a person who is convicted of a violation of RCW 46.61.502 or 46.61.504 and who has no prior offense within seven years shall be punished as follows:

(a) **Penalty for alcohol concentration less than 0.15.** In the case of a person whose alcohol concentration was less than 0.15, or for whom for reasons other than the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than twenty-four consecutive hours nor more than three hundred sixty-four days. In lieu of the mandatory minimum term of imprisonment required under this subsection (1)(a)(i), the court, in its discretion, may order not less than fifteen days of electronic home monitoring or a ninety-day period of 24/7 sobriety program monitoring. The court may consider the offender's pretrial 24/7 sobriety program monitoring as fulfilling a portion of posttrial sentencing. The offender shall pay the cost of electronic home monitoring. The county or municipality in which the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device or other separate alcohol monitoring device to include an alcohol detection breathalyzer, and the court may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring; and

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(ii) By a fine of not less than three hundred fifty dollars nor more than five thousand dollars. Three hundred fifty dollars of the fine may not be suspended unless the court finds the offender to be indigent; or

(b) **Penalty for alcohol concentration at least 0.15.** In the case of a person whose alcohol concentration was at least 0.15, or for whom by reason of the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than forty-eight consecutive hours nor more than three hundred sixty-four days. In lieu of the mandatory minimum term of imprisonment required under this subsection (1)(b)(i), the court, in its discretion, may order not less than thirty days of electronic home monitoring or a one hundred twenty day period of 24/7 sobriety program monitoring. The court may consider the offender's pretrial 24/7 sobriety program testing as fulfilling a portion of posttrial sentencing. The offender shall pay the cost of electronic home monitoring. The county or municipality in which the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device to include an alcohol detection breathalyzer or other separate alcohol monitoring device, and the court may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring; and

(ii) By a fine of not less than five hundred dollars nor more than five thousand dollars. Five hundred dollars of the fine may not be suspended unless the court finds the offender to be indigent.

(2) **One prior offense in seven years.** Except as provided in RCW 46.61.502(6) or 46.61.504(6), a person who is convicted of a violation of RCW 46.61.502 or 46.61.504 and who has one prior offense within seven years shall be punished as follows:

(a) **Penalty for alcohol concentration less than 0.15.** In the case of a person whose alcohol concentration was less than 0.15, or for whom for reasons other than the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than thirty days nor more than three hundred sixty-four days and sixty days of electronic home monitoring. Thirty days of imprisonment and sixty days of electronic home monitoring may not be suspended or converted unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. If the offender shows that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being, in lieu of the mandatory term of imprisonment and electronic home monitoring under this subsection (2)(a)(i), the court may order a minimum of either one hundred eighty days of electronic home monitoring or a one hundred twenty-day period of 24/7 sobriety program monitoring pursuant to RCW 36.28A.300 through 36.28A.390. Whenever the mandatory minimum sentence is suspended or converted, the court shall state in writing the reason for granting the suspension or conversion and the facts upon which the suspension or conversion is based. The court may consider the offender's pretrial 24/7 sobriety program monitoring as fulfilling a portion of posttrial sentencing. The court shall order an expanded substance use disorder assessment and treatment, if deemed appropriate by the assessment. The offender shall pay for the cost of the electronic monitoring. The county or municipality where the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device include an alcohol detection breathalyzer or other separate alcohol monitoring device, and may restrict the amount of alcohol the

offender may consume during the time the offender is on electronic home monitoring; and

(ii) By a fine of not less than five hundred dollars nor more than five thousand dollars. Five hundred dollars of the fine may not be suspended unless the court finds the offender to be indigent; or

(b) **Penalty for alcohol concentration at least 0.15.** In the case of a person whose alcohol concentration was at least 0.15, or for whom by reason of the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than forty-five days nor more than three hundred sixty-four days and ninety days of electronic home monitoring. Forty-five days of imprisonment and ninety days of electronic home monitoring may not be suspended or converted unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. If the offender shows that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being, in lieu of the mandatory minimum term of imprisonment and electronic home monitoring under this subsection (2)(b)(i), the court may order a minimum of either six months of electronic home monitoring or a one hundred twenty-day period of 24/7 sobriety program monitoring pursuant to RCW 36.28A.300 through 36.28A.390. Whenever the mandatory minimum sentence is suspended or converted, the court shall state in writing the reason for granting the suspension or conversion and the facts upon which the suspension or conversion is based. The court may consider the offender's pretrial 24/7 sobriety program monitoring as fulfilling a portion of posttrial sentencing. The court shall order an expanded substance use disorder assessment and treatment, if deemed appropriate by the assessment. The offender shall pay for the cost of the electronic monitoring. The county or municipality where the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device include an alcohol detection breathalyzer or other separate alcohol monitoring device, and may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring; and

(ii) By a fine of not less than seven hundred fifty dollars nor more than five thousand dollars. Seven hundred fifty dollars of the fine may not be suspended unless the court finds the offender to be indigent.

(3) **Two prior offenses in seven years.** Except as provided in RCW 46.61.502(6) or 46.61.504(6), a person who is convicted of a violation of RCW 46.61.502 or 46.61.504 and who has two prior offenses within seven years shall be punished as follows:

(a) **Penalty for alcohol concentration less than 0.15.** In the case of a person whose alcohol concentration was less than 0.15, or for whom for reasons other than the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than ninety days nor more than three hundred sixty-four days, if available in that county or city, a six-month period of 24/7 sobriety program monitoring pursuant to RCW 36.28A.300 through 36.28A.390, and one hundred twenty days of electronic home monitoring. Ninety days of imprisonment and one hundred twenty days of electronic home monitoring may not be suspended or converted unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. If the offender shows that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being, in lieu of the

mandatory minimum term of ninety days of imprisonment and one hundred twenty days of electronic home monitoring, the court may order three hundred sixty days of electronic home monitoring or a three hundred sixty-day period of 24/7 sobriety monitoring pursuant to RCW 36.28A.300 through 36.28A.390. Whenever the mandatory minimum sentence is suspended or converted, the court shall state in writing the reason for granting the suspension or conversion and the facts upon which the suspension or conversion is based. The court shall order an expanded substance use disorder assessment and treatment, if deemed appropriate by the assessment. The offender shall pay for the cost of the electronic monitoring. The county or municipality where the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device include an alcohol detection breathalyzer or other separate alcohol monitoring device, and may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring; and

(ii) By a fine of not less than one thousand dollars nor more than five thousand dollars. One thousand dollars of the fine may not be suspended unless the court finds the offender to be indigent; or

(b) **Penalty for alcohol concentration at least 0.15.** In the case of a person whose alcohol concentration was at least 0.15, or for whom by reason of the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than one hundred twenty days nor more than three hundred sixty-four days, if available in that county or city, a six-month period of 24/7 sobriety program monitoring pursuant to RCW 36.28A.300 through 36.28A.390, and one hundred fifty days of electronic home monitoring. One hundred twenty days of imprisonment and one hundred fifty days of electronic home monitoring may not be suspended or converted unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. If the offender shows that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being, in lieu of the mandatory minimum term of one hundred twenty days of imprisonment and one hundred fifty days of electronic home monitoring, the court may order three hundred sixty days of electronic home monitoring or a three hundred sixty-day period of 24/7 sobriety monitoring pursuant to RCW 36.28A.300 through 36.28A.390. Whenever the mandatory minimum sentence is suspended or converted, the court shall state in writing the reason for granting the suspension or conversion and the facts upon which the suspension or conversion is based. The offender shall pay for the cost of the electronic monitoring. The court shall order an expanded substance use disorder assessment and treatment, if deemed appropriate by the assessment. The county or municipality where the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device include an alcohol detection breathalyzer or other separate alcohol monitoring device, and may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring; and

(ii) By a fine of not less than one thousand five hundred dollars nor more than five thousand dollars. One thousand five hundred dollars of the fine may not be suspended unless the court finds the offender to be indigent.

(4) **Three or more prior offenses in ~~((ten))~~ 15 years.** A person who is convicted of a violation of RCW 46.61.502 or 46.61.504 shall be punished under chapter 9.94A RCW if:

(a) The person has three or more prior offenses within ~~((ten))~~

15 years; or

(b) The person has ever previously been convicted of:

(i) A violation of RCW 46.61.520 committed while under the influence of intoxicating liquor or any drug;

(ii) A violation of RCW 46.61.522 committed while under the influence of intoxicating liquor or any drug;

(iii) An out-of-state offense comparable to the offense specified in (b)(i) or (ii) of this subsection; or

(iv) A violation of RCW 46.61.502(6) or 46.61.504(6).

(5) **Monitoring.** (a) **Ignition interlock device.** The court shall require any person convicted of a violation of RCW 46.61.502 or 46.61.504 or an equivalent local ordinance to comply with the rules and requirements of the department regarding the installation and use of a functioning ignition interlock device installed on all motor vehicles operated by the person.

(b) **Monitoring devices.** If the court orders that a person refrain from consuming any alcohol, the court may order the person to submit to alcohol monitoring through an alcohol detection breathalyzer device, transdermal sensor device, or other technology designed to detect alcohol in a person's system. The person shall pay for the cost of the monitoring, unless the court specifies that the cost of monitoring will be paid with funds that are available from an alternative source identified by the court. The county or municipality where the penalty is being imposed shall determine the cost.

(c) **24/7 sobriety program monitoring.** In any county or city where a 24/7 sobriety program is available and verified by the Washington association of sheriffs and police chiefs, the court shall:

(i) Order the person to install and use a functioning ignition interlock or other device in lieu of such period of 24/7 sobriety program monitoring;

(ii) Order the person to a period of 24/7 sobriety program monitoring pursuant to subsections (1) through (3) of this section; or

(iii) Order the person to install and use a functioning ignition interlock or other device in addition to a period of 24/7 sobriety program monitoring pursuant to subsections (1) through (3) of this section.

(6) **Penalty for having a minor passenger in vehicle.** If a person who is convicted of a violation of RCW 46.61.502 or 46.61.504 committed the offense while one or more passengers under the age of sixteen were in the vehicle, the court shall:

(a) Order the use of an ignition interlock or other device for an additional twelve months for each passenger under the age of sixteen when the person is subject to the penalties under subsection (1)(a), (2)(a), or (3)(a) of this section; and order the use of an ignition interlock device for an additional eighteen months for each passenger under the age of sixteen when the person is subject to the penalties under subsection (1)(b), (2)(b), (3)(b), or (4) of this section;

(b) In any case in which the person has no prior offenses within seven years, and except as provided in RCW 46.61.502(6) or 46.61.504(6), order an additional twenty-four hours of imprisonment to be served consecutively for each passenger under the age of sixteen, and a fine of not less than one thousand dollars and not more than five thousand dollars for each passenger under the age of sixteen. One thousand dollars of the fine for each passenger under the age of sixteen may not be suspended unless the court finds the offender to be indigent;

(c) In any case in which the person has one prior offense within seven years, and except as provided in RCW 46.61.502(6) or 46.61.504(6), order an additional five days of imprisonment to be served consecutively for each passenger under the age of sixteen, and a fine of not less than two thousand dollars and not more than five thousand dollars for each passenger under the age of sixteen.

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One thousand dollars of the fine for each passenger under the age of sixteen may not be suspended unless the court finds the offender to be indigent;

(d) In any case in which the person has two prior offenses within seven years, and except as provided in RCW 46.61.502(6) or 46.61.504(6), order an additional ten days of imprisonment to be served consecutively for each passenger under the age of sixteen, and a fine of not less than three thousand dollars and not more than ten thousand dollars for each passenger under the age of sixteen. One thousand dollars of the fine for each passenger under the age of sixteen may not be suspended unless the court finds the offender to be indigent.

(7) **Other items courts must consider while setting penalties.** In exercising its discretion in setting penalties within the limits allowed by this section, the court shall particularly consider the following:

(a) Whether the person's driving at the time of the offense was responsible for injury or damage to another or another's property;

(b) Whether at the time of the offense the person was driving or in physical control of a vehicle with one or more passengers;

(c) Whether the driver was driving in the opposite direction of the normal flow of traffic on a multiple lane highway, as defined by RCW 46.04.350, with a posted speed limit of forty-five miles per hour or greater; and

(d) Whether a child passenger under the age of sixteen was an occupant in the driver's vehicle.

(8) **Treatment and information school.** An offender punishable under this section is subject to the substance use disorder assessment and treatment provisions of RCW 46.61.5056.

(9) **Driver's license privileges of the defendant.** (a) The license, permit, or nonresident privilege of a person convicted of driving or being in physical control of a motor vehicle while under the influence of intoxicating liquor or drugs must:

(i) **Penalty for alcohol concentration less than 0.15.** If the person's alcohol concentration was less than 0.15, or if for reasons other than the person's refusal to take a test offered under RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(A) Where there has been no prior offense within seven years, be suspended or denied by the department for ninety days or until the person is evaluated by a substance use disorder agency or probation department pursuant to RCW 46.20.311 and the person completes or is enrolled in a ninety-day period of 24/7 sobriety program monitoring. In no circumstances shall the license suspension be for fewer than two days;

(B) Where there has been one prior offense within seven years, be revoked or denied by the department for two years or until the person is evaluated by a substance use disorder agency or probation department pursuant to RCW 46.20.311 and the person completes or is enrolled in a six-month period of 24/7 sobriety program monitoring. In no circumstances shall the license suspension be for less than one year; or

(C) Where there have been two or more prior offenses within seven years, be revoked or denied by the department for three years;

(ii) **Penalty for alcohol concentration at least 0.15.** If the person's alcohol concentration was at least 0.15:

(A) Where there has been no prior offense within seven years, be revoked or denied by the department for one year or until the person is evaluated by a substance use disorder agency or probation department pursuant to RCW 46.20.311 and the person completes or is enrolled in a one hundred twenty day period of 24/7 sobriety program monitoring. In no circumstances shall the license revocation be for fewer than four days;

(B) Where there has been one prior offense within seven years, be revoked or denied by the department for nine hundred days; or

(C) Where there have been two or more prior offenses within seven years, be revoked or denied by the department for four years; or

(iii) **Penalty for refusing to take test.** If by reason of the person's refusal to take a test offered under RCW 46.20.308, there is no test result indicating the person's alcohol concentration:

(A) Where there have been no prior offenses within seven years, be revoked or denied by the department for two years;

(B) Where there has been one prior offense within seven years, be revoked or denied by the department for three years; or

(C) Where there have been two or more previous offenses within seven years, be revoked or denied by the department for four years.

(b)(i) The department shall grant credit on a day-for-day basis for a suspension, revocation, or denial imposed under this subsection (9) for any portion of a suspension, revocation, or denial already served under RCW 46.20.3101 arising out of the same incident.

(ii) If a person has already served a suspension, revocation, or denial under RCW 46.20.3101 for a period equal to or greater than the period imposed under this subsection (9), the department shall provide notice of full credit, shall provide for no further suspension or revocation under this subsection provided the person has completed the requirements under RCW 46.20.311 and paid the probationary license fee under RCW 46.20.355 by the date specified in the notice under RCW 46.20.245, and shall impose no additional reissue fees for this credit.

(c) Upon receipt of a notice from the court under RCW 36.28A.390 that a participant has been removed from a 24/7 sobriety program, the department must resume any suspension, revocation, or denial that had been terminated early under this subsection due to participation in the program, granting credit on a day-for-day basis for any portion of a suspension, revocation, or denial already served under RCW 46.20.3101 or this section arising out of the same incident.

(d) Upon its own motion or upon motion by a person, a court may find, on the record, that notice to the department under RCW 46.20.270 has been delayed for three years or more as a result of a clerical or court error. If so, the court may order that the person's license, permit, or nonresident privilege shall not be revoked, suspended, or denied for that offense. The court shall send notice of the finding and order to the department and to the person. Upon receipt of the notice from the court, the department shall not revoke, suspend, or deny the license, permit, or nonresident privilege of the person for that offense.

(e) For purposes of this subsection (9), the department shall refer to the driver's record maintained under RCW 46.52.120 when determining the existence of prior offenses.

(10) **Probation of driving privilege.** After expiration of any period of suspension, revocation, or denial of the offender's license, permit, or privilege to drive required by this section, the department shall place the offender's driving privilege in probationary status pursuant to RCW 46.20.355.

(11) **Conditions of probation.** (a) In addition to any nonsuspendable and nondeferrable jail sentence required by this section, whenever the court imposes up to three hundred sixty-four days in jail, the court shall also suspend but shall not defer a period of confinement for a period not exceeding five years. The court shall impose conditions of probation that include: (i) Not driving a motor vehicle within this state without a valid license to drive; (ii) not driving a motor vehicle within this state without proof of liability insurance or other financial responsibility for the future pursuant to RCW 46.30.020; (iii) not driving or being in

physical control of a motor vehicle within this state while having an alcohol concentration of 0.08 or more or a THC concentration of 5.00 nanograms per milliliter of whole blood or higher, within two hours after driving; (iv) not refusing to submit to a test of his or her breath or blood to determine alcohol or drug concentration upon request of a law enforcement officer who has reasonable grounds to believe the person was driving or was in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor or drug; and (v) not driving a motor vehicle in this state without a functioning ignition interlock device as required by the department under RCW 46.20.720. The court may impose conditions of probation that include nonrepetition, installation of an ignition interlock device on the probationer's motor vehicle, substance use disorder treatment, supervised probation, or other conditions that may be appropriate. The sentence may be imposed in whole or in part upon violation of a condition of probation during the suspension period.

(b) For each violation of mandatory conditions of probation under (a)(i), (ii), (iii), (iv), or (v) of this subsection, the court shall order the convicted person to be confined for thirty days, which shall not be suspended or deferred.

(c) For each incident involving a violation of a mandatory condition of probation imposed under this subsection, the license, permit, or privilege to drive of the person shall be suspended by the court for thirty days or, if such license, permit, or privilege to drive already is suspended, revoked, or denied at the time the finding of probation violation is made, the suspension, revocation, or denial then in effect shall be extended by thirty days. The court shall notify the department of any suspension, revocation, or denial or any extension of a suspension, revocation, or denial imposed under this subsection.

(12) **Waiver of electronic home monitoring.** A court may waive the electronic home monitoring requirements of this chapter when:

(a) The offender does not have a dwelling, telephone service, or any other necessity to operate an electronic home monitoring system. However, if a court determines that an alcohol monitoring device utilizing wireless reporting technology is reasonably available, the court may require the person to obtain such a device during the period of required electronic home monitoring;

(b) The offender does not reside in the state of Washington; or

(c) The court determines that there is reason to believe that the offender would violate the conditions of the electronic home monitoring penalty.

Whenever the mandatory minimum term of electronic home monitoring is waived, the court shall state in writing the reason for granting the waiver and the facts upon which the waiver is based, and shall impose an alternative sentence with similar punitive consequences. The alternative sentence may include, but is not limited to, use of an ignition interlock device, the 24/7 sobriety program monitoring, additional jail time, work crew, or work camp.

Whenever the combination of jail time and electronic home monitoring or alternative sentence would exceed three hundred sixty-four days, the offender shall serve the jail portion of the sentence first, and the electronic home monitoring or alternative portion of the sentence shall be reduced so that the combination does not exceed three hundred sixty-four days.

(13) **Extraordinary medical placement.** An offender serving a sentence under this section, whether or not a mandatory minimum term has expired, may be granted an extraordinary medical placement by the jail administrator subject to the standards and limitations set forth in RCW 9.94A.728(1)(c).

(14) **Definitions.** For purposes of this section and RCW 46.61.502 and 46.61.504:

(a) A "prior offense" means any of the following:

(i) A conviction for a violation of RCW 46.61.502 or an equivalent local ordinance;

(ii) A conviction for a violation of RCW 46.61.504 or an equivalent local ordinance;

(iii) A conviction for a violation of RCW 46.25.110 or an equivalent local ordinance;

(iv) A conviction for a violation of RCW 79A.60.040(2) or an equivalent local ordinance;

(v) A conviction for a violation of RCW 79A.60.040(1) or an equivalent local ordinance committed in a reckless manner if the conviction is the result of a charge that was originally filed as a violation of RCW 79A.60.040(2) or an equivalent local ordinance;

(vi) A conviction for a violation of RCW 47.68.220 or an equivalent local ordinance committed while under the influence of intoxicating liquor or any drug;

(vii) A conviction for a violation of RCW 47.68.220 or an equivalent local ordinance committed in a careless or reckless manner if the conviction is the result of a charge that was originally filed as a violation of RCW 47.68.220 or an equivalent local ordinance while under the influence of intoxicating liquor or any drug;

(viii) A conviction for a violation of RCW 46.09.470(2) or an equivalent local ordinance;

(ix) A conviction for a violation of RCW 46.10.490(2) or an equivalent local ordinance;

(x) A conviction for a violation of RCW 46.61.520 committed while under the influence of intoxicating liquor or any drug, or a conviction for a violation of RCW 46.61.520 committed in a reckless manner or with the disregard for the safety of others if the conviction is the result of a charge that was originally filed as a violation of RCW 46.61.520 committed while under the influence of intoxicating liquor or any drug;

(xi) A conviction for a violation of RCW 46.61.522 committed while under the influence of intoxicating liquor or any drug, or a conviction for a violation of RCW 46.61.522 committed in a reckless manner or with the disregard for the safety of others if the conviction is the result of a charge that was originally filed as a violation of RCW 46.61.522 committed while under the influence of intoxicating liquor or any drug;

(xii) A conviction for a violation of RCW 46.61.5249, 46.61.500, or 9A.36.050 or an equivalent local ordinance, if the conviction is the result of a charge that was originally filed as a violation of RCW 46.61.502 or 46.61.504, or an equivalent local ordinance, or of RCW 46.61.520 or 46.61.522;

(xiii) An out-of-state conviction for a violation that would have been a violation of (a)(i), (ii), (x), (xi), or (xii) of this subsection if committed in this state;

(xiv) A deferred prosecution under chapter 10.05 RCW granted in a prosecution for a violation of RCW 46.61.502, 46.61.504, or an equivalent local ordinance;

(xv) A deferred prosecution under chapter 10.05 RCW granted in a prosecution for a violation of RCW 46.61.5249, or an equivalent local ordinance, if the charge under which the deferred prosecution was granted was originally filed as a violation of RCW 46.61.502 or 46.61.504, or an equivalent local ordinance, or of RCW 46.61.520 or 46.61.522;

(xvi) A deferred prosecution granted in another state for a violation of driving or having physical control of a vehicle while under the influence of intoxicating liquor or any drug if the out-of-state deferred prosecution is equivalent to the deferred prosecution under chapter 10.05 RCW, including a requirement that the defendant participate in a chemical dependency treatment program; or

(xvii) A deferred sentence imposed in a prosecution for a violation of RCW 46.61.5249, 46.61.500, or 9A.36.050, or an

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equivalent local ordinance, if the charge under which the deferred sentence was imposed was originally filed as a violation of RCW 46.61.502 or 46.61.504, or an equivalent local ordinance, or a violation of RCW 46.61.520 or 46.61.522;

If a deferred prosecution is revoked based on a subsequent conviction for an offense listed in this subsection (14)(a), the subsequent conviction shall not be treated as a prior offense of the revoked deferred prosecution for the purposes of sentencing;

(b) "Treatment" means substance use disorder treatment licensed or certified by the department of health;

(c) "Within seven years" means that the arrest for a prior offense occurred within seven years before or after the arrest for the current offense; and

(d) "Within ~~((ten))~~ 15 years" means that the arrest for a prior offense occurred within ~~((ten))~~ 15 years before or after the arrest for the current offense.

(15) All fines imposed by this section apply to adult offenders only.

Sec. 13. RCW 46.61.504 and 2017 c 335 s 2 are each amended to read as follows:

(1) A person is guilty of being in actual physical control of a motor vehicle while under the influence of intoxicating liquor or any drug if the person has actual physical control of a vehicle within this state:

(a) And the person has, within two hours after being in actual physical control of the vehicle, an alcohol concentration of 0.08 or higher as shown by analysis of the person's breath or blood made under RCW 46.61.506; or

(b) The person has, within two hours after being in actual physical control of a vehicle, a THC concentration of 5.00 or higher as shown by analysis of the person's blood made under RCW 46.61.506; or

(c) While the person is under the influence of or affected by intoxicating liquor or any drug; or

(d) While the person is under the combined influence of or affected by intoxicating liquor and any drug.

(2) The fact that a person charged with a violation of this section is or has been entitled to use a drug under the laws of this state does not constitute a defense against any charge of violating this section. No person may be convicted under this section and it is an affirmative defense to any action pursuant to RCW 46.20.308 to suspend, revoke, or deny the privilege to drive if, prior to being pursued by a law enforcement officer, the person has moved the vehicle safely off the roadway.

(3)(a) It is an affirmative defense to a violation of subsection (1)(a) of this section which the defendant must prove by a preponderance of the evidence that the defendant consumed a sufficient quantity of alcohol after the time of being in actual physical control of the vehicle and before the administration of an analysis of the person's breath or blood to cause the defendant's alcohol concentration to be 0.08 or more within two hours after being in such control. The court shall not admit evidence of this defense unless the defendant notifies the prosecution prior to the omnibus or pretrial hearing in the case of the defendant's intent to assert the affirmative defense.

(b) It is an affirmative defense to a violation of subsection (1)(b) of this section, which the defendant must prove by a preponderance of the evidence, that the defendant consumed a sufficient quantity of marijuana after the time of being in actual physical control of the vehicle and before the administration of an analysis of the person's blood to cause the defendant's THC concentration to be 5.00 or more within two hours after being in control of the vehicle. The court shall not admit evidence of this defense unless the defendant notifies the prosecution prior to the omnibus or pretrial hearing in the case of the defendant's intent to

assert the affirmative defense.

(4)(a) Analyses of blood or breath samples obtained more than two hours after the alleged being in actual physical control of a vehicle may be used as evidence that within two hours of the alleged being in such control, a person had an alcohol concentration of 0.08 or more in violation of subsection (1)(a) of this section, and in any case in which the analysis shows an alcohol concentration above 0.00 may be used as evidence that a person was under the influence of or affected by intoxicating liquor or any drug in violation of subsection (1)(c) or (d) of this section.

(b) Analyses of blood samples obtained more than two hours after the alleged being in actual physical control of a vehicle may be used as evidence that within two hours of the alleged being in control of the vehicle, a person had a THC concentration of 5.00 or more in violation of subsection (1)(b) of this section, and in any case in which the analysis shows a THC concentration above 0.00 may be used as evidence that a person was under the influence of or affected by marijuana in violation of subsection (1)(c) or (d) of this section.

(5) Except as provided in subsection (6) of this section, a violation of this section is a gross misdemeanor.

(6) It is a class C felony punishable under chapter 9.94A RCW, or chapter 13.40 RCW if the person is a juvenile, if:

(a) The person has three or more prior offenses within ~~((ten))~~ 15 years as defined in RCW 46.61.5055; or

(b) The person has ever previously been convicted of:

(i) Vehicular homicide while under the influence of intoxicating liquor or any drug, RCW 46.61.520(1)(a);

(ii) Vehicular assault while under the influence of intoxicating liquor or any drug, RCW 46.61.522(1)(b);

(iii) An out-of-state offense comparable to the offense specified in (b)(i) or (ii) of this subsection; or

(iv) A violation of this subsection (6) or RCW 46.61.502(6).

NEW SECTION. Sec. 14. Sections 1 through 11 of this act take effect July 1, 2022."

On page 1, line 1 of the title, after "driving;" strike the remainder of the title and insert "amending RCW 9.94A.190, 9.94A.501, 9.94A.505, 9.94A.525, 9.94A.633, 9.94A.6332, 9.94A.660, 9.94A.701, 46.61.502, 46.61.5055, and 46.61.504; reenacting and amending RCW 9.94A.030; adding a new section to chapter 9.94A RCW; prescribing penalties; and providing an effective date."

Senators Lovick and Padden spoke in favor of adoption of the striking amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of striking amendment no. 944 by Senator Lovick to Senate Bill No. 5054.

The motion by Senator Lovick carried and striking amendment no. 944 was adopted by voice vote.

MOTION

On motion of Senator Padden, the rules were suspended, Engrossed Senate Bill No. 5054 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Padden and Dhingra spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5054.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5054 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senator Rivers

ENGROSSED SENATE BILL NO. 5054, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 10:51 p.m., on motion of Senator Pedersen, the Senate adjourned until 10:00 o'clock a.m. Thursday, February 10, 2022.

KAREN KEISER, President Pro Tempore of the Senate

SARAH BANNISTER, Secretary of the Senate

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FLAG BEARERS
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GUESTS
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 Allegiance 1

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