

CHAPTER 219

[Substitute Senate Bill No. 4897]

PROCESS SERVERS—COURT BUSINESS ON LEGAL HOLIDAYS—CRIMINAL TRESPASS

AN ACT Relating to process servers; amending RCW 2.28.100, and 9A.52.090; and prescribing penalties.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. Section 2, chapter 51, Laws of 1927 as amended by section 1, chapter 54, Laws of 1933 and RCW 2.28.100 are each amended to read as follows:

No court shall be open, nor shall any judicial business be transacted, on a legal holiday, except:

(1) To give, upon their request, instructions to a jury when deliberating on their verdict;

(2) To receive the verdict of a jury;

(3) For the exercise of the powers of a magistrate in a criminal action, or in a proceeding of a criminal nature;

(4) For hearing applications for and issuing writs of habeas corpus, injunction, prohibition and attachment;

(5) For the issuance of any process or subpoena not requiring immediate judicial or court action, and the service thereof.

The governor, in declaring any legal holiday, in his discretion, may provide in his proclamation that such holiday shall not be applicable to the courts of or within the state.

Sec. 2. Section 9A.52.090, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.52.090 are each amended to read as follows:

In any prosecution under RCW 9A.52.070 and 9A.52.080, it is a defense that:

(1) A building involved in an offense under RCW 9A.52.070 was abandoned; or

(2) The premises were at the time open to members of the public and the actor complied with all lawful conditions imposed on access to or remaining in the premises; or

(3) The actor reasonably believed that the owner of the premises, or other person empowered to license access thereto, would have licensed him to enter or remain; or

(4) The actor was attempting to serve legal process which includes any document required or allowed to be served upon persons or property, by any statute, rule, ordinance, regulation, or court order, excluding delivery by the mails of the United States. This defense applies only if the actor did not enter into a private residence or other building not open to the public and

the entry onto the premises was reasonable and necessary for service of the legal process.

- Passed the Senate March 9, 1986.
- Passed the House March 5, 1986.
- Approved by the Governor April 2, 1986.
- Filed in Office of Secretary of State April 2, 1986.

CHAPTER 220

[Engrossed Substitute Senate Bill No. 4659]

COMMUNITY PROPERTY—MEDICAL CARE PROGRAMS—ELIGIBILITY

AN ACT Relating to eligibility determinations for medical care programs; adding a new section to chapter 74.09 RCW; and making an appropriation.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Sec. 1. A new section is added to chapter 74.09 RCW to read as follows:

(1) An agreement between spouses transferring or assigning rights to future income from one spouse to the other shall be invalid for purposes of determining eligibility for medical assistance or the limited casualty program for the medically needy, but this subsection does not affect agreements between spouses transferring or assigning resources, and income produced by transferred or assigned resources shall continue to be recognized as the separate income of the transferee; and

(2) In determining eligibility for medical assistance or the limited casualty program for the medically needy for a married person in need of institutional care, or care under home and community based waivers as defined in Title XIX of the Social Security Act, if the community income received in the name of the nonapplicant spouse exceeds the community income received in the name of the applicant spouse, the applicant's interest in that excess shall be considered unavailable to the applicant.

NEW SECTION. Sec. 2. There is appropriated from the general fund to the department of social and health services for the biennium ending June 30, 1987, the sum of two million seven hundred nine thousand dollars, or so much thereof as may be necessary, to carry out the purposes of this act.

- Passed the Senate March 8, 1986.
- Passed the House March 4, 1986.
- Approved by the Governor April 2, 1986.
- Filed in Office of Secretary of State April 2, 1986.