

ONE HUNDRED FIRST DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, April 22, 2015

The Senate was called to order at 10:00 o'clock a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exceptions of Senators Liias and Rolfes.

The Sergeant at Arms Color Guard consisting of Pages Alexander Richter and Allison Bignall, presented the Colors. Senator Pearson offered the prayer.

The Vice President Pro Tempore assumed the chair, Senator Sharon Brown presiding.

MOTION

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

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

April 21, 2015

HCR 4401 Prime Sponsor, Representative Hunt, S.: Renaming "Office Building 2" as the "Human Services Building." Reported by Committee on Government Operations & Security

MAJORITY recommendation: Do pass. Signed by Senators Roach, Chair; Pearson, Vice Chair; Liias; Habib and McCoy.

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Fain, the measure listed on the Standing Committee report was referred to the committee as designated.

MOTION

On motion of Senator Fain, Senate Rule 20 was suspended for the remainder of the day to allow consideration of additional floor resolutions.

EDITOR'S NOTE: Senate Rule 20 limits consideration of floor resolutions not essential to the operation of the Senate to one per day during regular daily sessions.

MOTION

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

MOTION

Senator Miloscia moved adoption of the following resolution:

SENATE RESOLUTION

8672

By Senators Miloscia, Fain, Padden, and Dammeier

WHEREAS, The Federal Way High School Eagles boys' basketball team won the 2015 4A state title with a dominant 65-46 victory in the championship game at the Tacoma Dome on March 7th; and

WHEREAS, The Eagles started the season with the injury of its leading scorer, Malik Montoya, but came together to overcome adversity and complete the championship journey; and

WHEREAS, The Eagles finished the season with 25 wins and only 2 losses, demonstrating teamwork, resolve, and a championship mindset; and

WHEREAS, Coach Jerome Collins led the Eagles to their second state title and was named Washington Interscholastic Basketball Coaches Association (WIBCA) 4A Coach of the Year after 31 years as a coach; and

WHEREAS, D'Jimon Jones, Ferron Flavors, Mykael Henry, Jalen McDaniels, Marcus Stephens, Jovan Vongsaveng, Eli Graham, Christian Jones, Viont'e Daniels, Leon Njama, Troy Conley, Timoney Buckley, and Malik Montoya each contributed to the victory and earned their excellence through challenging 4 AM practices; and

WHEREAS, Eagles Guard Viont'e Daniels was chosen as the WIBCA 4A All-State team member and Player of the Year as well as The News Tribune's All-Area boys' basketball All-State team member and 4A Player of the Year; and

WHEREAS, Four Eagles were recognized with 4A SPSL Northwest honors, Coach Jerome Collins was named Co-Coach of the year, Viont'e Daniels was named MVP, Christian Jones Jr. was named to the first team, and Jalen McDaniels Jr. was named to the second team; and

WHEREAS, Four members of the Eagles scored double-digit points in the championship game and Jalen McDaniels and Viont'e Daniels sealed the victory with high-flying, alley-oop dunks; and

WHEREAS, Coach Collins' suits inspire swagger for his team and envy from his opponents;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor the Federal Way Eagles boys' basketball team as standards of teamwork, perseverance, and excellence, both on the court and in the community, and congratulate them on a well-deserved championship victory and state title.

Senators Miloscia and Fain spoke in favor of adoption of the resolution.

The Vice President Pro Tempore declared the question before the Senate to be the adoption of Senate Resolution No. 8672.

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

The President resumed the chair.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced members of the Federal Way High School Eagles Boys' Basketball team and their coaches who were present in the gallery and recognized by the senate.

The Vice President Pro Tempore assumed the chair, Senator Sharon Brown presiding.

MOTION

Senator Fain moved adoption of the following resolution:

SENATE RESOLUTION
8634

By Senator Hargrove

WHEREAS, Bob Massey, also known as "Classy Bob Massey" by his listeners around the world, began his radio career in the 1930s when he set up his own hobby radio station while in high school in the basement of his family's home in Nashville, Tennessee; and

WHEREAS, Massey first served in the infantry of General George S. Patton's Third Army in Germany before joining the Armed Forces Radio in Frankfurt, Germany to provide American style entertainment to troops stationed in war-torn Europe; and

WHEREAS, Massey began his radio career in earnest at WJNO in Palm Beach, Florida in 1948, and worked at five more stations in Florida before joining KHAR in Anchorage where he was on duty on March 27, 1964, when the 9.2 magnitude Good Friday earthquake devastated the entire region; and

WHEREAS, After leaving Alaska in 1970, he became a broadcaster at KIT Radio in Yakima and eventually joined the staff of KBRD Radio in Tacoma; and

WHEREAS, Massey retired with his wife Margaret to Sequim in 1992, and, following her death in 2006, he felt the call of radio once more; and

WHEREAS, At the invitation of KSQM 91.5 Radio founder Rick Perry, Massey rekindled his radio career by becoming the first voice of the community supported station on December 7, 2008; and

WHEREAS, Massey continues playing the hits of the Dorsey Brothers, Frank Sinatra, Doris Day, and other oldies from the Golden Age of Radio to listeners around the world via the internet; and

WHEREAS, Massey has been acknowledged by the Museum of Broadcast Communications and Radio Hall of Fame in Chicago as the oldest active on-air broadcaster in America;

NOW, THEREFORE, BE IT RESOLVED, That in commemoration of the 90th birthday of Classy Bob Massey on March 9, 2015, the Washington State Senate congratulate Mr. Massey on his years of entertaining legions of listeners and keeping the spirit of old-time radio alive through several generations, and extend its appreciation for a rich career well spent.

The Vice President Pro Tempore declared the question before the Senate to be the adoption of Senate Resolution No. 8634.

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

MOTION

Senator Fain moved adoption of the following resolution:

SENATE RESOLUTION
8673

By Senator Fain

WHEREAS, The Auburn Food Bank is a volunteer directed organization that provides food, referrals, and emergency assistance to those in need; and

WHEREAS, The Auburn Food Bank provides a systematic approach to the distribution and collection of resources in a caring and responsible manner to the people living within the Auburn area; and

WHEREAS, In 1930 after a family's house was burned down, neighbors gathered what was needed for the family to start anew. The extra supplies allowed for the Auburn Community Chest to form, and thus the Auburn Food Bank was born; and

WHEREAS, Along with offering food, the Auburn Food Bank provides school supplies, winter clothes, financial assistance, and emergency shelter in inclement conditions; and

WHEREAS, People can find a community of kind and caring volunteers to lean on in times of need; and

WHEREAS, Volunteers discover an enjoyable and rewarding way of giving back to their community; and

WHEREAS, Debbie Christian, the Executive Director, works humbly everyday to make a difference in the lives of people in need;

NOW, THEREFORE, BE IT RESOLVED, That the Senate recognize Debbie Christian for her devotion to the community and tireless efforts to support people in need in the greater Auburn area.

The Vice President Pro Tempore declared the question before the Senate to be the adoption of Senate Resolution No. 8673.

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

MOTION

Senator Chase moved adoption of the following resolution:

SENATE RESOLUTION
8674

By Senator Chase

WHEREAS, As a young mother, Nancy Ruth Malmgren devoted much of her attention to education in Seattle's public schools, including concern that racial and ethnic minorities should be accorded equal opportunity in education, and in adult life as well; and

WHEREAS, Nancy became a tireless advocate for overcoming the *de facto* segregation of Seattle schools that was leaving many African-American students behind; and

WHEREAS, Because *de facto* segregation of public schools tends to be a product of racially segregated neighborhoods, Nancy worked to eliminate discrimination in the sale or rental of housing, eventually resulting in a stronger Office for Civil Rights in Seattle; and

WHEREAS, When Seattle's school administrators decided to ease their path toward desegregation by creating elected "Citizens School Advisory Councils," Nancy ran for a seat on the advisory council for the Ingraham High School area, making no secret of her convictions, and was soundly defeated, but remained devoted to her guiding principles; and

WHEREAS, During this same period, Nancy turned her attention to a broad menu of environmental matters, organizing the "Carkeek Watershed Community Action Project," which, with the able assistance of her husband, Les, recruited volunteer "beach stewards" and "salmon stewards" for important projects at Carkeek Park; and

WHEREAS, Now, every November, the salmon stewards who Nancy and the Carkeek Watershed Community Action Project

ONE HUNDRED FIRST DAY, APRIL 22, 2015

2015 REGULAR SESSION

put in motion deploy around Piper's Creek and point out the return of previously imprinted chum and other salmon to park visitors—all as part of a lesson in nature and conservation; and

WHEREAS, Recognizing that the future of her salmon project lay in the hands of serial younger generations, Nancy blended her past and present passions by promoting and facilitating a "Salmon in the Schools" program that has alerted countless schoolchildren to the life cycle of salmon, and what watershed residents can do to protect that precious resource; and

WHEREAS, In that vein, Nancy organized and promoted annual Earth Day events for many years at Carkeek Park, marking storm drains "Drains into Puget Sound," placing "Pesticide-Free Zone" signs in the yards of watershed homeowners who made the appropriate commitments, and highlighting the importance of scooping up pet waste beyond the cleanliness of shoes; and

WHEREAS, Nancy never forgot the importance of the salmon cycle to the Native Americans who were here before us and managed that resource so carefully and well, and made a point of attempting to include their descendants in Earth Day observances and on other occasions; and

WHEREAS, When Seattle's Department of Parks and Recreation created a network of "Advisory Councils" for the City's major parks, Nancy was an obvious choice to be a charter member of the Carkeek Park Advisory Council, where she remained a vital resource at least through 2014; and

WHEREAS, As a member of the Council, Nancy suggested that a small, long-abandoned structure near the entrance to Carkeek Park be converted into a dedicated Environmental Learning Center, not just to illuminate the "natural history" of the Park, its forests, creeks, and wildlife, but as a demonstration project for steps Seattle residents could take in their own homes toward broader environmental preservation; and

WHEREAS, Nancy's idea ultimately prevailed, including solar panels to power the building, as well as low-flow toilets, and was then expanded to encompass the very construction of the new Environmental Learning Center, in reusing some of the original structure's building materials, rather than have them shipped off to a landfill; and

WHEREAS, Over a period of months, grants were sought; paperwork filled out in serial meetings at Nancy's home; "sweat equity" pledged and delivered; an architect hired; and a contractor engaged, resulting in an Environmental Learning Center, bearing Nancy's name, certified as the first structure in Seattle to attain "Gold" certification under the "LEED" program administered by the U.S. Green Building Council;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor Nancy Ruth Malmgren for her tireless work and advocacy to make the Seattle community a better place for all.

Senator Chase spoke in favor of adoption of the resolution.

The Vice President Pro Tempore declared the question before the Senate to be the adoption of Senate Resolution No. 8674.

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

MOTION

Senator Chase moved adoption of the following resolution:

SENATE RESOLUTION
8676

By Senator Chase

WHEREAS, Benjamin D. Hall, Professor Emeritus of Genome Sciences and Biology at the University of Washington, has served as a university faculty member since 1963; and

WHEREAS, Professor Hall is a graduate from the University of Kansas and received his doctorate in chemistry from Harvard; and

WHEREAS, During the 1970s, Professor Hall and colleagues at the University of Washington studied yeast transcription, and in 1981 Professor Hall and Dr. Gustav Ammerer, an Austrian postdoctoral fellow in Professor Hall's laboratory, developed a technique for producing genetically engineered proteins in yeast. He and his co-inventors then used this yeast invention to produce Hepatitis B virus coat proteins in yeast cells; and

WHEREAS, These coat proteins formed the basis for the world's first genetically engineered vaccine against a human disease, the first vaccine against a sexually transmitted disease, and the first vaccine against a virus that leads to human cancer; and

WHEREAS, Professor Hall's work is the foundation for a vaccine for Hepatitis B, which is one of the world's most common blood-borne viruses, chronically infecting some 400 million people worldwide and one million people in the United States alone, of whom about twenty-five percent will die from cirrhosis or cancer of the liver brought on by the disease; and

WHEREAS, The vaccines made by Professor Hall's process are now routinely given to newborn babies in many countries, including the United States, Europe, and China, significantly improving the health of more than one billion people worldwide, and new infections in the United States have dropped from about 250,000 per year in the 1980s to approximately 20,000 per year today; and

WHEREAS, These patented inventions for the expression of proteins in yeast and a Hepatitis B vaccine have been licensed to commercial manufacturers and have generated for the Washington Research Foundation about 350 million dollars in royalties, which are used by the Washington Research Foundation and the University of Washington to fund additional research and development; and

WHEREAS, Professor Hall has been diligent to ensure that the University of Washington uses the royalties from the patents according to its policies to support graduate students and faculty research and has chosen to assist his grateful University of Washington by creating a new graduate fellowship for international students in the Department of Biology; and

WHEREAS, Professor Hall was recently elected as a fellow to the prestigious National Academy of Sciences; and

WHEREAS, Professor Hall was chosen because of his distinguished and continuing achievements in original research;

NOW, THEREFORE, BE IT RESOLVED, That the members of the Washington State Senate congratulate Professor Benjamin Hall upon his election as a fellow to the National Academy of Sciences, express their deepest gratitude and appreciation for his groundbreaking contributions to the field of yeast technology and the invention of the Hepatitis B vaccine, and wish him continued success in his endeavors and a joyous tenure at the University of Washington.

Senator Chase spoke in favor of adoption of the resolution.

The Vice President Pro Tempore declared the question before the Senate to be the adoption of Senate Resolution No. 8676.

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

MOTION

Senator Fain moved adoption of the following resolution:

SENATE RESOLUTION
8677

By Senators Fain, Kohl-Welles, Nelson, and Roach

WHEREAS, Larry Phillips is a life-long Washingtonian, born and raised in the Mount Baker and Magnolia neighborhoods of Seattle; and

WHEREAS, Before his time on the King County Council, Larry Phillips served two terms in the Washington State House of Representatives; and

WHEREAS, Larry Phillips served on the King County Council from 1992 until his retirement in 2015, representing parts of downtown and North Seattle; and

WHEREAS, Larry Phillips has dedicated his time on the King County Council to preserving King County's natural environment for future generations, encouraging growth of public transportation, and the development of clean energy; and

WHEREAS, Responding to the federal listing of the Chinook Salmon as an endangered species, Larry Phillips pushed to designate and preserve over 150,000 acres of farmland and forests as salmon habitat; and

WHEREAS, Larry Phillips helped create and serves on the board of King County's 4Culture program, which promotes the arts, preserves our history, celebrates our heritage, and provides public art exhibitions; and

WHEREAS, He also serves on the boards of Sound Transit, Climate Communities, the Cedar River Council, the Salmon Recovery Council, the Woodland Park Zoo Society, and the Henry M. Jackson Foundation; and

WHEREAS, Larry Phillips worked closely with United States Senator Henry "Scoop" Jackson on labor and tax issues; and

WHEREAS, He was honored as the 2001 Public Official of the Year by the Seattle Municipal League for his work on land preservation and growth management;

NOW, THEREFORE, BE IT RESOLVED, That the Senate recognize King County Councilmember Larry Phillips for his public life, which he led with honor and transparency, and gave all of himself in service of King County and the people of Washington State.

Senators Fain and Fraser spoke in favor of adoption of the resolution.

The Vice President Pro Tempore declared the question before the Senate to be the adoption of Senate Resolution No. 8677.

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

MOTION

Senator Fain moved adoption of the following resolution:

SENATE RESOLUTION
8678

By Senators Fain and Miloscia

WHEREAS, People began to settle in the Federal Way area during the boom in the logging industry in the late 1800s; and

WHEREAS, Federal Way was incorporated on February 28, 1990, and its 25th Anniversary celebration will be held in July; and

WHEREAS, Federal Way hosted the 1990 Goodwill Games in its inaugural year, bringing more than 2,000 athletes from 54 countries to the area; and

WHEREAS, Social service organizations like Multi-Service Center and FUSION have lifted people from crisis and vulnerability to self-sufficiency and stability; and

WHEREAS, The people of Federal Way protect and honor natural beauty, as exemplified by Federal Way's botanical gardens: The Rhododendron Species Foundation and Botanical Garden, the Pacific Rim Bonsai Collection, and the West Hylebos Wetlands Park; and

WHEREAS, Federal Way is home to Olympic Gold Medalist Apolo Ohno and Silver Medalist JR Celski, along with MLS, MLB, NFL, and UFC champions; and

WHEREAS, Federal Way is home to a budding arts community, with organizations such as Centerstage! and the Federal Way Symphony; and

WHEREAS, The city is known for its tremendous cultural and ethnic diversity, bringing together the world's history in the Federal Way community; and

WHEREAS, The city of Federal Way is home to diverse local media outlets, like the Federal Way Mirror and KOAM-TV; and

WHEREAS, Federal Way is the 10th most populous city in Washington, experiencing a 37 percent growth since its incorporation; and

WHEREAS, The prominent growth, development, and success of Federal Way exemplify the city's motto, "It's all within reach";

NOW, THEREFORE, BE IT RESOLVED, That the Senate honor and recognize the city of Federal Way, Washington in celebration of its 25th anniversary; and

BE IT FURTHER RESOLVED, That Federal Way mirror the tremendous economic growth and contributions to society in the next 25 years.

Senator Fain spoke in favor of adoption of the resolution.

The Vice President Pro Tempore declared the question before the Senate to be the adoption of Senate Resolution No. 8678.

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

The President resumed the chair.

SIGNED BY THE PRESIDENT

Pursuant to Article 2, Section 32 of the State Constitution and Senate Rule 1(5), the President announced the signing of and thereupon did sign in open session:

- ENGROSSED SUBSTITUTE SENATE BILL NO. 5048,
- ENGROSSED SUBSTITUTE SENATE BILL NO. 5158,
- SENATE BILL NO. 5203,
- ENGROSSED SENATE BILL NO. 5262,
- SENATE BILL NO. 5387,
- ENGROSSED SUBSTITUTE SENATE BILL NO. 5498,
- SUBSTITUTE SENATE BILL NO. 5593,
- SENATE BILL NO. 5603,
- SUBSTITUTE SENATE BILL NO. 5733,
- ENGROSSED SUBSTITUTE SENATE BILL NO. 5785,
- ENGROSSED SUBSTITUTE SENATE BILL NO. 5826.

The Vice President Pro Tempore assumed the chair, Senator Sharon Brown presiding.

MOTION

At 10:24 a.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

ONE HUNDRED FIRST DAY, APRIL 22, 2015

2015 REGULAR SESSION

The Senate was called to order at 1:45 p.m. by President Owen.

MOTION

Senator Parlette moved adoption of the following resolution:

SENATE RESOLUTION 8666

By Senators Parlette, Fraser, Angel, Pearson, McCoy, Lias, Rolfes, Fain, Dansel, and King

WHEREAS, It is the custom and tradition of the Washington State Senate to recognize the contributions of individuals who reflect the standards of excellence that advance the well-being and quality of life of all citizens of the State of Washington; and

WHEREAS, Ms. Bonita "Bonnie" Henderson has been a key figure in the Senate Page Program for 30 years; and

WHEREAS, Bonnie first came to the Senate while raising three teenagers and actively participating in her local Parent Teacher Association, where she helped to run football game concession stands, worked as a dance chaperone, and volunteered for a variety of other school and after-school events; and

WHEREAS, Bonnie, every week of every session since 1986, has been directly responsible for a group of young people ranging in number from twelve to as large as forty-two; and

WHEREAS, Bonnie guided excited, nervous Pages through orientation, daily work schedules, a labyrinth of offices, accidents, sickness, teenage angst, protests, and an earthquake; and

WHEREAS, Bonnie supervised Pages performing a myriad of tasks both large and small, during what was for many young people their first "real" job and for others their first time away from home; and

WHEREAS, The scope of a Page's daily duties has changed over the years--Pages were once dispatched early each morning to deliver some 1,200 documents, including calendars, status sheets, and meeting schedules, across the capitol campus to every Senate office, the Senate Chamber, Ulcer Gulch, and other public areas; today, many of these documents are delivered online or through email, available at the touch of a button; and

WHEREAS, Bonnie, each week, made every effort to instill in each Page a sense of the value of hard work, good manners, professionalism, promptness, and even good posture and, most importantly, the importance of the legislative process to our great state; and

WHEREAS, Bonnie has personally managed, mentored, and mothered an estimated 7,500 students, some of whom were inspired by their experience as a Page to such a degree that they returned to the Legislature as interns, lobbyists, staff, and even legislators; and

WHEREAS, Bonnie has seen former Pages bring their children to the Capitol to be Pages, and on her trips around the state frequently encounters former Pages who recognize her from their time in the Program; and

WHEREAS, Washington's legislative page programs, which constitute one of the two most comprehensive programs of their kind in the United States, have received several awards for their contributions to civic education, including the *Kevin B. Harrington Award* from the National Conference of State Legislatures in 2012 and the *Youth Civic Education Award* from the Seattle City Club in 2013; and

WHEREAS, Bonnie has decided, after thirty successful sessions of supervising young people from across the state, to retire from Senate service; and

WHEREAS, As Page Supervisor, Bonnie has been firm but fair, demanding yet giving, sometimes stern yet always supportive, with a constant desire to find special ways to enhance the week's experience for each group of Pages, all with a steady hand and ready smile that will be sorely missed;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize and honor Mrs. Bonita "Bonnie" Henderson for thirty years of gracious and selfless dedication to the Senate, to students placed in her care, and to their families across Washington State; and

BE IT FURTHER RESOLVED, That the Washington State Senate offer its gratitude to Bonnie, Jerry Henderson, and the Henderson family for sharing Bonnie with the Senate, congratulate her on a well-deserved retirement, and hereby bestow upon her the title, "Page Mom Emeritus."

Senators Parlette and Fraser spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8666.

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

INTRODUCTION OF SPECIAL GUESTS

The President introduced Mr. Jerry Henderson; the Henderson and Meyer families; and friends of Mrs. Henderson who were present in the gallery and recognized.

INTRODUCTION OF SPECIAL GUESTS

The President introduced Bonnie Henderson who was seated at the rostrum.

With the permission of the Senate, business was suspended to allow Mrs. Henderson to offer remarks.

REMARKS BY MRS. BONITA "BONNIE" HENDERSON

Bonnie Henderson: "Big mistake. [Allowing her to speak.] Whoever's been on the hiring committee, I want to thank you for hiring me back each and every year. Even though I'm very much lacking in computer skills I seem to get by. Luckily we have enough intelligent young people here that have learned skills I haven't to help me through the bad times. I always say, 'Who knows how to do this?' and they jump right up. I really appreciate the fact that you've put me in charge of these students of Washington. They're bright; they're intelligent; they're talented. It's amazing the people that come through here. We get the cheerleaders, the athletes, the nerds; we get people with special needs. And once they come here and put on the red coat, they are part of another family. They leave that behind them and no one knows what their history is. And I see them helping each other. We had a young man that was quite disabled, physically. And I always tell them, 'When you go to lunch walk together, you go in a group, you stay together.' And this young man had a very difficult time putting on and off his coat. And he was going to take it off for lunch and the minute they jumped up to go to lunch, two of the biggest boys in the room, probably with the biggest hearts, are the ones that jumped up and helped him. And the rest of the week everyone included him, helped him get his coat on and off, which was very difficult. I thought, 'How wonderful that we have kids that take care of other kids.' That tells us caliber of

students that are coming here. We had one young man that had autism but he only was one hundred hours short of getting his pilot's license. His parents had zeroed in on him and been working with him. It's amazing these young people that come, they're talented, they play music, they dance, they sing. It overwhelms me. I was never that capable. But I appreciate you hiring me and being here all the time. I could just blow our horn a little bit. I heard them say that we won a couple of awards but this is something that just happened in the last week. Jim Caviezel, now he played Christ in 'The Passion of the Christ.' And he is a person of interest [actor]. We always knew he'd been a Page but we couldn't find a picture so we assumed that it was, maybe, a House Page so we didn't tell them. But we found out through a young reporter that came to interview a Page from Centralia. And she had been a Page so she wanted to look up in our photo albums. We have photo albums that go back at least 42, no 32 years. And then we have pictures from Dixie Lee Ray, Dan Evans and, let's see, it was Governor Spellman. We had pictures that are just at random there. But she was here, went back, looked up her picture and she said, 'Do you know who this young man is?' And I said, 'No.' She said, 'This is Jim Caviezel.' So we, quick like, had a poster made up, excuse me, and it said, you know, 'Senate Page,' the year he was there in big letters, his name, his picture and the group picture blown up. And it is now on our wall. So, there's one claim to fame. Another thing that many of you might not know yet and, that we have a celebrity within our group here, and that's Marcelas. Marcelas, wave your hand. [Mr. Marcelas Owens, Seattle, waved from the gallery.] That's him. Marcelas was standing beside our President when he signed the Health Care Act. It was because of Marcelas' letter to the President telling him of his mom losing her health care and, eventually, her death that brought him through there. And now he is here with us. He has told the Pages about his mission and he accomplished his mission. And I think for a young person that is a very lofty goal that he completed. It is people like this that come and continue to come and as legislators I think you can be proud of the students of Washington even if we do have education, we're producing, problems. We have good kids that are coming here. I just wanted to say that they come and they're kind of afraid because you are the Senators and there family have said, 'Don't screw up. Those are Senators. You know? Mind your P's and Q's.' I say, 'You are just people.' We're lucky we live in a nation where our government is of the people, by the people, for the people. And our Pages are people. They're our future. And you're people so you're approachable. You've shown that to them as being here and letting them talk to you and they, many of you take them to Caucus or to breakfast or pizza for lunch and they're going to work for us just as you are working for us. I want to thank you for the opportunity to have been in charge of this group for all this time. I talk with my hands too. I'm sorry. But thank you again for this nice honor today and all of you being here. And I really have appreciated working with the Senate. I'm going to miss you next year but it's time for someone else. And you'll probably see me anyway because I think I will come down. I will be holding the sign. I always tell people to get involved so if I'm upset with something or like something I'll probably be protesting out there with the rest of them. I'll wave. You know, I don't have to be neutral any longer but you're doing a good job."

Senator Fain announced a reception celebrating Mrs. Bonnie Henderson's retirement in the Senate Rules Room to commence immediately.

MOTION

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

MESSAGE FROM THE HOUSE

April 22, 2015

MR. PRESIDENT:
The House has passed:
SENATE BILL NO. 5693.
and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

April 22, 2015

MR. PRESIDENT:
The House has passed:
HOUSE BILL NO. 2217.
and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

Senator Fraser announced a meeting of the Senate Democratic Caucus immediately upon going at ease.

Senator Parlette announced a meeting of the Majority Coalition Caucus immediately upon going at ease, requesting those members to bring the day's consent and dispute calendars.

MOTION

At 2:03 p.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 3:43 p.m. by the President Pro Tempore, Senator Roach presiding.

MESSAGE FROM THE HOUSE

April 21, 2015

MR. PRESIDENT:
The House receded from its amendment(s) to SUBSTITUTE SENATE BILL NO. 5721. Under suspension of the rules, the bill was returned to second reading for the purposes of amendment(s). The House adopted the following amendment(s): 5721-S AMH SANT CLYN 539, and passed the bill as amended by the House.
On page 2, line 17, after "state." strike "Up to ((fifteen)) seventeen" and insert "((Up to fifteen)) Other"
On page 2, line 19, after "council," strike "and" and insert "((and)) but"
On page 2, beginning on line 37, after "(x)" strike "A statewide nonprofit coalition that is representative of communities of color and low-income communities; and (xi)" and insert the following:
"A person selected by the office of the superintendent of public instruction to represent low-income communities or communities of color;
(xi) A person selected by the educational opportunity gap oversight and accountability committee; and
(xi)"
and the same are herewith transmitted.

BERNARD DEAN, Deputy Chief Clerk

ONE HUNDRED FIRST DAY, APRIL 22, 2015

2015 REGULAR SESSION

MOTION

Senator Litzow moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5721.

The President Pro Tempore declared the question before the Senate to be the motion by Senator Litzow that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5721.

The motion by Senator Litzow carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5721 by voice vote.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5721, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5721, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 2; Absent, 2; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Ericksen, Fain, Fraser, Frockt, Habib, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Jayapal, Keiser, King, Kohl-Welles, Litzow, McAuliffe, McCoy, Miloscia, Mullet, Nelson, O'Ban, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Schoesler, Sheldon and Warnick

Voting nay: Senators Dansel and Padden

Absent: Senators Lias and Rolfes

SUBSTITUTE SENATE BILL NO. 5721, as amended by the House, 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 Billig, Senators Lias and Rolfes were excused.

MOTION

Senator Billig moved that the senate do not concur in the House amendment(s) to Engrossed Senate Bill No. 5153 and ask the House to recede therefrom.

Senator Schoesler objected to and spoke against the motion.

RULING BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Roach: "With Senator Schoesler's objection Engrossed Senate Bill No. 5153, I will defer to the recent ruling by President Owen that this situation we treat as a motion, as the motion to immediately consider Engrossed Senate Bill No. 5153. Therefore, the motion before the senate is the motion to immediately consider Engrossed Senate Bill No. 5153."

POINT OF ORDER

Senator Billig: "Thank you Madam President. Before you bang the gavel on that, I'd like to, we were thinking about, in thinking about the ruling from yesterday and some additional research, I understand that there's no senate rule on how to handle

these situations when we're in an order of business and somebody brings up an immediate motion. But, in some additional research, we sometimes go to Mason's Manual of Legislative Procedure when we don't have a rule ourselves ..."

POINT OF ORDER

Senator Schoesler: "Thank you Madam President. This was ruled on by the President of the Senate yesterday and we were told that due to the complicated nature of this a full written ruling would be followed but for the time being he issued it verbally."

REMARKS BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Roach: "Thank you Senator Schoesler. Yesterday the President did rule and, first, informed us that there was no written rule, senate rule, on this type of a situation. So, because of that he therefore said that the motion would be to immediately consider. And that is what my ruling will also be today. So let's do that. Senator Billig go ahead."

Senator Billig demanded a roll call.

Senator Billig spoke in favor of the motion.

REMARKS BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Roach: "Senator. Excuse me. Senator Billig, there's some things we can't say. I don't, ... I think Senator Padden was first up."

POINT OF ORDER

Senator Padden: "Madam President. I take great exception to the remarks of the gentleman from the Third District, impugning the motives of the whole entire body perhaps. And I would ask that you, reprimand him and ask him to not speak about motives of other members."

RULING BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Roach: "This will cost you one pound of See's Marzipan. Be glad it's not your flesh."

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

Senator Schoesler spoke against the motion to immediately consider Engrossed Senate Bill No. 5153.

The President Pro Tempore declared the question before the senate to be the motion by Senator Billig that the senate immediately consider Engrossed Senate Bill No. 5153.

ROLL CALL

The Secretary called the roll on the motion by Senator Billig, the motion failed and the senate did not immediately consider Engrossed Senate bill No. 5153 by the following vote: Yeas, 21; Nays, 26; Absent, 0; Excused, 2.

Voting yea: Senators Billig, Chase, Cleveland, Conway, Darneille, Fraser, Frockt, Habib, Hargrove, Hasegawa, Hatfield, Hobbs, Jayapal, Keiser, Kohl-Welles, McAuliffe, McCoy, Mullet, Nelson, Pedersen and Ranker

Voting nay: Senators Angel, Bailey, Baumgartner, Becker, Benton, Braun, Brown, Dammeier, Dansel, Ericksen, Fain, Hewitt, Hill, Honeyford, King, Litzow, Miloscia, O'Ban, Padden,

Parlette, Pearson, Rivers, Roach, Schoesler, Sheldon and Warnick

Excused: Senators Liias and Rolfes

MESSAGE FROM THE HOUSE

April 15, 2015

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 5154 with the following amendment(s): 5154-S AMH GOOD JONC 054

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 4.24.550 and 2011 c 337 s 1 are each amended to read as follows:

(1) In addition to the disclosure under subsection (5) of this section, public agencies are authorized to release information to the public regarding sex offenders and kidnapping offenders when the agency determines that disclosure of the information is relevant and necessary to protect the public and counteract the danger created by the particular offender. This authorization applies to information regarding: (a) Any person adjudicated or convicted of a sex offense as defined in RCW 9A.44.128 or a kidnapping offense as defined by RCW 9A.44.128; (b) any person under the jurisdiction of the indeterminate sentence review board as the result of a sex offense or kidnapping offense; (c) any person committed as a sexually violent predator under chapter 71.09 RCW or as a sexual psychopath under chapter 71.06 RCW; (d) any person found not guilty of a sex offense or kidnapping offense by reason of insanity under chapter 10.77 RCW; and (e) any person found incompetent to stand trial for a sex offense or kidnapping offense and subsequently committed under chapter 71.05 or 71.34 RCW.

(2) Except for the information specifically required under subsection (5) of this section, the extent of the public disclosure of relevant and necessary information shall be rationally related to: (a) The level of risk posed by the offender to the community; (b) the locations where the offender resides, expects to reside, or is regularly found; and (c) the needs of the affected community members for information to enhance their individual and collective safety.

(3) Except for the information specifically required under subsection (5) of this section, local law enforcement agencies shall consider the following guidelines in determining the extent of a public disclosure made under this section: (a) For offenders classified as risk level I, the agency shall share information with other appropriate law enforcement agencies and, if the offender is a student, the public or private school regulated under Title 28A RCW or chapter 72.40 RCW which the offender is attending, or planning to attend. The agency may disclose, upon request, relevant, necessary, and accurate information to any victim or witness to the offense (~~and to~~), any individual community member who lives near the residence where the offender resides, expects to reside, or is regularly found, and any individual who requests information regarding a specific offender; (b) for offenders classified as risk level II, the agency may also disclose relevant, necessary, and accurate information to public and private schools, child day care centers, family day care providers, public libraries, businesses and organizations that serve primarily children, women, or vulnerable adults, and neighbors and community groups near the residence where the offender resides, expects to reside, or is regularly found; (c) for offenders classified as risk level III, the agency may also disclose relevant, necessary, and accurate information to the public at large; and (d) because more localized notification is not feasible and homeless and transient offenders may present unique risks to the community,

the agency may also disclose relevant, necessary, and accurate information to the public at large for offenders registered as homeless or transient.

(4) ~~The county sheriff with whom an offender classified as risk level III is registered shall ((cause to be published by legal notice, advertising, or news release a sex offender community notification that conforms to the guidelines established under RCW 4.24.5501 in at least one legal newspaper with general circulation in the area of the sex offender's registered address or location. Unless the information is posted on the web site described in subsection (5) of this section, this list shall be maintained by the county sheriff on a publicly accessible web site and shall be updated at least once per month))~~ release a sex offender community notification that conforms to the guidelines established under RCW 4.24.5501.

(5)(a) When funded by federal grants or other sources, the Washington association of sheriffs and police chiefs shall create and maintain a statewide registered kidnapping and sex offender web site, which shall be available to the public. The web site shall post all level III and level II registered sex offenders, level I registered sex offenders only during the time they are out of compliance with registration requirements under RCW 9A.44.130 or if lacking a fixed residence as provided in RCW 9A.44.130, and all registered kidnapping offenders in the state of Washington.

(i) For level III offenders, the web site shall contain, but is not limited to, the registered sex offender's name, relevant criminal convictions, address by hundred block, physical description, and photograph. The web site shall provide mapping capabilities that display the sex offender's address by hundred block on a map. The web site shall allow citizens to search for registered sex offenders within the state of Washington by county, city, zip code, last name, and address by hundred block.

(ii) For level II offenders, and level I sex offenders during the time they are out of compliance with registration requirements under RCW 9A.44.130, the web site shall contain, but is not limited to, the same information and functionality as described in (a)(i) of this subsection, provided that it is permissible under state and federal law. If it is not permissible, the web site shall be limited to the information and functionality that is permissible under state and federal law.

(iii) For kidnapping offenders, the web site shall contain, but is not limited to, the same information and functionality as described in (a)(i) of this subsection, provided that it is permissible under state and federal law. If it is not permissible, the web site shall be limited to the information and functionality that is permissible under state and federal law.

(b) ~~((Until the implementation of (a) of this subsection, the Washington association of sheriffs and police chiefs shall create a web site available to the public that provides electronic links to county operated web sites that offer sex offender registration information-))~~ Law enforcement agencies must provide information requested by the Washington association of sheriffs and police chiefs to administer the statewide registered kidnapping and sex offender web site.

(c) (i) Within five business days of the Washington association of sheriffs and police chiefs receiving any public record request under chapter 42.56 RCW for sex offender and kidnapping offender information, records or website data it holds or maintains pursuant to this section or a unified sex offender registry, the Washington association of sheriffs and police chiefs shall refer the requester in writing to the appropriate law enforcement agency or agencies for submission of such a request. The Washington association of sheriffs and police chiefs shall have no further obligation under chapter 42.56 RCW for responding to such a request.

ONE HUNDRED FIRST DAY, APRIL 22, 2015

2015 REGULAR SESSION

(ii) This subparagraph (c) of this section is remedial and applies retroactively.

(6) ~~((Local))~~ (a) Law enforcement agencies ~~((that disseminate information pursuant to this section))~~ responsible for the registration and dissemination of information regarding offenders required to register under RCW 9A.44.130 shall assign a risk level classification to all offenders after consideration of: ~~((a) Review))~~ (i) Any available risk level classifications ~~((made))~~ provided by the department of corrections, the department of social and health services, and the indeterminate sentence review board; ~~((b) assign risk level classifications to all offenders about whom information will be disseminated))~~ (ii) the agency's own application of a sex offender risk assessment tool; and (iii) other information and aggravating or mitigating factors known to the agency and deemed rationally related to the risk posed by the offender to the community at large.

(b) A sex offender shall be classified as a risk level I if his or her risk assessment and other information or factors deemed relevant by the law enforcement agency indicate he or she is at a low risk to sexually reoffend within the community at large. A sex offender shall be classified as a risk level II if his or her risk assessment and other information or factors deemed relevant by the law enforcement agency indicate he or she is at a moderate risk to sexually reoffend within the community at large. A sex offender shall be classified as a risk level III if his or her risk assessment and other information or factors deemed relevant by the law enforcement agency indicate he or she is at a high risk to sexually reoffend within the community at large.

(c) The agency shall make a good faith effort to notify the public and residents within a reasonable period of time after the offender registers with the agency.

~~((The juvenile court shall provide local law enforcement officials with all relevant information on offenders allowed to remain in the community in a timely manner.))~~ (d) Agencies may develop a process to allow an offender to petition for review of the offender's assigned risk level classification. The timing, frequency, and process for review are at the sole discretion of the agency.

(7) An appointed or elected public official, public employee, or public agency as defined in RCW 4.24.470, or units of local government and its employees, as provided in RCW 36.28A.010, are immune from civil liability for damages for any discretionary risk level classification decisions or release of relevant and necessary information, unless it is shown that the official, employee, or agency acted with gross negligence or in bad faith. The immunity in this section applies to risk level classification decisions and the release of relevant and necessary information regarding any individual for whom disclosure is authorized. The decision of a ~~((local))~~ law enforcement agency or official to classify an offender to a risk level other than the one assigned by the department of corrections, the department of social and health services, or the indeterminate sentence review board, or the release of any relevant and necessary information based on that different classification shall not, by itself, be considered gross negligence or bad faith. The immunity provided under this section applies to the release of relevant and necessary information to other public officials, public employees, or public agencies, and to the general public.

(8) Except as may otherwise be provided by law, nothing in this section shall impose any liability upon a public official, public employee, or public agency for failing to release information authorized under this section.

(9) Nothing in this section implies that information regarding persons designated in subsection (1) of this section is confidential except as may otherwise be provided by law.

(10) When a ~~((local))~~ law enforcement agency or official classifies an offender differently than the offender is classified by the end of sentence review committee ~~((or the department of social and health services))~~ at the time of the offender's release from confinement, the law enforcement agency or official shall notify the end of sentence review committee ~~((or the department of social and health services))~~ and the Washington state patrol and submit its reasons supporting the change in classification.

(11) As used in this section, "law enforcement agency" means a general authority Washington law enforcement agency as defined in RCW 10.93.020.

Sec. 2. RCW 9A.44.128 and 2014 c 188 s 2 are each amended to read as follows:

For the purposes of RCW 9A.44.130 through 9A.44.145, 10.01.200, 43.43.540, 70.48.470, and 72.09.330, the following definitions apply:

(1) "Business day" means any day other than Saturday, Sunday, or a legal local, state, or federal holiday.

(2) "Conviction" means any adult conviction or juvenile adjudication for a sex offense or kidnapping offense.

(3) "Disqualifying offense" means a conviction for: Any offense that is a felony; a sex offense as defined in this section; a crime against children or persons as defined in RCW 43.43.830(7) and 9.94A.411(2)(a); an offense with a domestic violence designation as provided in RCW 10.99.020; permitting the commercial sexual abuse of a minor as defined in RCW 9.68A.103; or any violation of chapter 9A.88 RCW.

(4) "Employed" or "carries on a vocation" means employment that is full time or part time for a period of time exceeding fourteen days, or for an aggregate period of time exceeding thirty days during any calendar year. A person is employed or carries on a vocation whether the person's employment is financially compensated, volunteered, or for the purpose of government or educational benefit.

(5) "Fixed residence" means a building that a person lawfully and habitually uses as living quarters a majority of the week. Uses as living quarters means to conduct activities consistent with the common understanding of residing, such as sleeping; eating; keeping personal belongings; receiving mail; and paying utilities, rent, or mortgage. A nonpermanent structure including, but not limited to, a motor home, travel trailer, camper, or boat may qualify as a residence provided it is lawfully and habitually used as living quarters a majority of the week, primarily kept at one location with a physical address, and the location it is kept at is either owned or rented by the person or used by the person with the permission of the owner or renter. A shelter program may qualify as a residence provided it is a shelter program designed to provide temporary living accommodations for the homeless, provides an offender with a personally assigned living space, and the offender is permitted to store belongings in the living space.

(6) "In the community" means residing outside of confinement or incarceration for a disqualifying offense.

(7) "Institution of higher education" means any public or private institution dedicated to postsecondary education, including any college, university, community college, trade, or professional school.

(8) "Kidnapping offense" means:

(a) The crimes of kidnapping in the first degree, kidnapping in the second degree, and unlawful imprisonment, as defined in chapter 9A.40 RCW, where the victim is a minor and the offender is not the minor's parent;

(b) Any offense that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit an offense that is classified as a kidnapping offense under this subsection; ~~((and))~~

(c) Any federal or out-of-state conviction for: An offense for which the person would be required to register as a kidnapping offender if residing in the state of conviction; or, if not required to register in the state of conviction, an offense that under the laws of this state would be classified as a kidnapping offense under this subsection; and

(d) Any tribal conviction for an offense for which the person would be required to register as a kidnapping offender while residing in the reservation of conviction; or, if not required to register in the reservation of conviction, an offense that under the laws of this state would be classified as a kidnapping offense under this subsection.

(9) "Lacks a fixed residence" means the person does not have a living situation that meets the definition of a fixed residence and includes, but is not limited to, a shelter program designed to provide temporary living accommodations for the homeless, an outdoor sleeping location, or locations where the person does not have permission to stay.

(10) "Sex offense" means:

(a) Any offense defined as a sex offense by RCW 9.94A.030;

(b) Any violation under RCW 9A.44.096 (sexual misconduct with a minor in the second degree);

(c) Any violation under RCW 9A.40.100(1)(b)(ii) (trafficking);

(d) Any violation under RCW 9.68A.090 (communication with a minor for immoral purposes);

(e) A violation under RCW 9A.88.070 (promoting prostitution in the first degree) or RCW 9A.88.080 (promoting prostitution in the second degree) if the person has a prior conviction for one of these offenses;

(f) Any violation under RCW 9A.40.100(1)(a)(i)(A) (III) or (IV) or (a)(i)(B);

(g) Any gross misdemeanor that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit an offense that is classified as a sex offense under RCW 9.94A.030 or this subsection;

(h) Any out-of-state conviction for an offense for which the person would be required to register as a sex offender while residing in the state of conviction; or, if not required to register in the state of conviction, an offense that under the laws of this state would be classified as a sex offense under this subsection;

(i) Any federal conviction classified as a sex offense under 42 U.S.C. Sec. 16911 (SORNA);

(j) Any military conviction for a sex offense. This includes sex offenses under the uniform code of military justice, as specified by the United States secretary of defense;

(k) Any conviction in a foreign country for a sex offense if it was obtained with sufficient safeguards for fundamental fairness and due process for the accused under guidelines or regulations established pursuant to 42 U.S.C. Sec. 16912;

(l) Any tribal conviction for an offense for which the person would be required to register as a sex offender while residing in the reservation of conviction; or, if not required to register in the reservation of conviction, an offense that under the laws of this state would be classified as a sex offense under this subsection.

(11) "School" means a public or private school regulated under Title 28A RCW or chapter 72.40 RCW.

(12) "Student" means a person who is enrolled, on a full-time or part-time basis, in any school or institution of higher education.

Sec. 3. RCW 9A.44.130 and 2011 c 337 s 3 are each amended to read as follows:

(1)(a) Any adult or juvenile residing whether or not the person has a fixed residence, or who is a student, is employed, or carries on a vocation in this state who has been found to have committed or has been convicted of any sex offense or kidnapping offense, or who has been found not guilty by reason

of insanity under chapter 10.77 RCW of committing any sex offense or kidnapping offense, shall register with the county sheriff for the county of the person's residence, or if the person is not a resident of Washington, the county of the person's school, or place of employment or vocation, or as otherwise specified in this section. When a person required to register under this section is in custody of the state department of corrections, the state department of social and health services, a local division of youth services, or a local jail or juvenile detention facility as a result of a sex offense or kidnapping offense, the person shall also register at the time of release from custody with an official designated by the agency that has jurisdiction over the person.

(b) Any adult or juvenile who is required to register under (a) of this subsection must give notice to the county sheriff of the county with whom the person is registered within three business days:

(i) Prior to arriving at a school or institution of higher education to attend classes;

(ii) Prior to starting work at an institution of higher education; or

(iii) After any termination of enrollment or employment at a school or institution of higher education.

(2)(a) A person required to register under this section must provide the following information when registering: (i) Name and any aliases used; (ii) complete and accurate residential address or, if the person lacks a fixed residence, where he or she plans to stay; (iii) date and place of birth; (iv) place of employment; (v) crime for which convicted; (vi) date and place of conviction; (vii) social security number; (viii) photograph; and (ix) fingerprints.

(b) A person may be required to update any of the information required in this subsection in conjunction with any address verification conducted by the county sheriff or as part of any notice required by this section.

(c) A photograph or copy of an individual's fingerprints may be taken at any time to update an individual's file.

(3) Any person required to register under this section who intends to travel outside the United States must provide, by certified mail, with return receipt requested, or in person, signed written notice of the plan to travel outside the country to the county sheriff of the county with whom the person is registered at least twenty-one days prior to travel. The notice shall include the following information: (a) Name; (b) passport number and country; (c) destination; (d) itinerary details including departure and return dates; (e) means of travel; and (f) purpose of travel. If the offender subsequently cancels or postpones travel outside the United States, the offender must notify the county sheriff not later than three days after cancellation or postponement of the intended travel outside the United States or on the departure date provided in the notification, whichever is earlier. The county sheriff shall notify the United States marshals service as soon as practicable after receipt of the notification. In cases of unexpected travel due to family or work emergencies, or for offenders who travel routinely across international borders for work related purposes, the notice must be submitted in person at least twenty-four hours prior to travel to the sheriff of the county where such offenders are registered with a written explanation of the circumstances that make compliance with this subsection (3) impracticable.

(4)(a) Offenders shall register with the county sheriff within the following deadlines:

(i) OFFENDERS IN CUSTODY. ~~((A)) Sex offenders ((who committed a sex offense on, before, or after February 28, 1990, and who, on or after July 28, 1991, are in custody, as a result of that offense, of the state department of corrections, the state department of social and health services, a local division of youth services, or a local jail or juvenile detention facility, and (B)) or kidnapping offenders who ((on or after July 27, 1997,))~~

ONE HUNDRED FIRST DAY, APRIL 22, 2015

2015 REGULAR SESSION

are in custody of the state department of corrections, the state department of social and health services, a local division of youth services, or a local jail or juvenile detention facility, must register at the time of release from custody with an official designated by the agency that has jurisdiction over the offender. The agency shall within three days forward the registration information to the county sheriff for the county of the offender's anticipated residence. The offender must also register within three business days from the time of release with the county sheriff for the county of the person's residence, or if the person is not a resident of Washington, the county of the person's school, or place of employment or vocation. The agency that has jurisdiction over the offender shall provide notice to the offender of the duty to register.

When the agency with jurisdiction intends to release an offender with a duty to register under this section, and the agency has knowledge that the offender is eligible for developmental disability services from the department of social and health services, the agency shall notify the division of developmental disabilities of the release. Notice shall occur not more than thirty days before the offender is to be released. The agency and the division shall assist the offender in meeting the initial registration requirement under this section. Failure to provide such assistance shall not constitute a defense for any violation of this section.

When a person required to register under this section is in the custody of the state department of corrections or a local corrections or probations agency and has been approved for partial confinement as defined in RCW 9.94A.030, the person must register at the time of transfer to partial confinement with the official designated by the agency that has jurisdiction over the offender. The agency shall within three days forward the registration information to the county sheriff for the county in which the offender is in partial confinement. The offender must also register within three business days from the time of the termination of partial confinement or release from confinement with the county sheriff for the county of the person's residence. The agency that has jurisdiction over the offender shall provide notice to the offender of the duty to register.

~~(ii) ((OFFENDERS NOT IN CUSTODY BUT UNDER STATE OR LOCAL JURISDICTION. Sex offenders who, on July 28, 1991, are not in custody but are under the jurisdiction of the indeterminate sentence review board or under the department of corrections' active supervision, as defined by the department of corrections, the state department of social and health services, or a local division of youth services, for sex offenses committed before, on, or after February 28, 1990, must register within ten days of July 28, 1991. Kidnapping offenders who, on July 27, 1997, are not in custody but are under the jurisdiction of the indeterminate sentence review board or under the department of corrections' active supervision, as defined by the department of corrections, the state department of social and health services, or a local division of youth services, for kidnapping offenses committed before, on, or after July 27, 1997, must register within ten days of July 27, 1997. A change in supervision status of a sex offender who was required to register under this subsection (3)(a)(ii) as of July 28, 1991, or a kidnapping offender required to register as of July 27, 1997, shall not relieve the offender of the duty to register or to reregister following a change in residence.~~

~~(iii)) OFFENDERS UNDER FEDERAL JURISDICTION. Sex offenders ((who, on or after July 23, 1995, and)) or kidnapping offenders who((on or after July 27, 1997, as a result of that offense)) are in the custody of the United States bureau of prisons or other federal or military correctional agency ((for sex offenses committed before, on, or after February 28, 1990, or kidnapping offenses committed on, before, or after July 27,~~

~~1997)) must register within three business days from the time of release with the county sheriff for the county of the person's residence, or if the person is not a resident of Washington, the county of the person's school, or place of employment or vocation. ((Sex offenders who, on July 23, 1995, are not in custody but are under the jurisdiction of the United States bureau of prisons, United States courts, United States parole commission, or military parole board for sex offenses committed before, on, or after February 28, 1990, must register within ten days of July 23, 1995. Kidnapping offenders who, on July 27, 1997, are not in custody but are under the jurisdiction of the United States bureau of prisons, United States courts, United States parole commission, or military parole board for kidnapping offenses committed before, on, or after July 27, 1997, must register within ten days of July 27, 1997. A change in supervision status of a sex offender who was required to register under this subsection (3)(a)(iii) as of July 23, 1995, or a kidnapping offender required to register as of July 27, 1997 shall not relieve the offender of the duty to register or to reregister following a change in residence, or if the person is not a resident of Washington, the county of the person's school, or place of employment or vocation.~~

~~(iv)) (iii) OFFENDERS WHO ARE CONVICTED BUT NOT CONFINED. Sex offenders who are convicted of a sex offense ((on or after July 28, 1991, for a sex offense that was committed on or after February 28, 1990,)) and kidnapping offenders who are convicted ((on or after July 27, 1997,)) for a kidnapping offense ((that was committed on or after July 27, 1997,)) but who are not sentenced to serve a term of confinement immediately upon sentencing((;)) shall report to the county sheriff to register within three business days of being sentenced.~~

~~((;)) (iv) OFFENDERS WHO ARE NEW RESIDENTS, TEMPORARY RESIDENTS, OR RETURNING WASHINGTON RESIDENTS. Sex offenders and kidnapping offenders who move to Washington state from another state or a foreign country ((that are not under the jurisdiction of the state department of corrections, the indeterminate sentence review board, or the state department of social and health services at the time of moving to Washington,)) must register within three business days of establishing residence or reestablishing residence if the person is a former Washington resident. ((The duty to register under this subsection applies to sex offenders convicted under the laws of another state or a foreign country, federal or military statutes for offenses committed before, on, or after February 28, 1990, or Washington state for offenses committed before, on, or after February 28, 1990, and to kidnapping offenders convicted under the laws of another state or a foreign country, federal or military statutes, or Washington state for offenses committed before, on, or after July 27, 1997. Sex offenders and kidnapping offenders from other states or a foreign country who, when they move to Washington, are under the jurisdiction of the department of corrections, the indeterminate sentence review board, or the department of social and health services must register within three business days of moving to Washington. The agency that has jurisdiction over the offender shall notify the offender of the registration requirements before the offender moves to Washington.~~

~~(vi)) If the offender is under the jurisdiction of an agency of this state when the offender moves to Washington, the agency shall provide notice to the offender of the duty to register.~~

Sex offenders and kidnapping offenders who are visiting Washington state and intend to reside or be present in the state for ten days or more shall register his or her temporary address or where he or she plans to stay with the county sheriff of each county where the offender will be staying within three business

days of arrival. Registration for temporary residents shall include the information required by subsection (2)(a) of this section, except the photograph and fingerprints.

~~((v))~~ (v) OFFENDERS FOUND NOT GUILTY BY REASON OF INSANITY. Any adult or juvenile who has been found not guilty by reason of insanity under chapter 10.77 RCW of ~~((A))~~ committing a sex offense ~~((on, before, or after February 28, 1990, and who, on or after July 23, 1995, is in custody, as a result of that finding, of the state department of social and health services;))~~ or ~~((B) committing)~~ a kidnapping offense ~~((on, before, or after July 27, 1997;))~~ and who ~~((on or after July 27, 1997;))~~ is in custody, as a result of that finding, of the state department of social and health services, must register within three business days from the time of release with the county sheriff for the county of the person's residence. The state department of social and health services shall provide notice to the adult or juvenile in its custody of the duty to register. ~~((Any adult or juvenile who has been found not guilty by reason of insanity of committing a sex offense on, before, or after February 28, 1990, but who was released before July 23, 1995, or any adult or juvenile who has been found not guilty by reason of insanity of committing a kidnapping offense but who was released before July 27, 1997, shall be required to register within three business days of receiving notice of this registration requirement.~~

~~((vii))~~ (vi) OFFENDERS WHO LACK A FIXED RESIDENCE. Any person who lacks a fixed residence and leaves the county in which he or she is registered and enters and remains within a new county for twenty-four hours is required to register with the county sheriff not more than three business days after entering the county and provide the information required in subsection (2)(a) of this section.

~~((viii))~~ (vii) OFFENDERS WHO LACK A FIXED RESIDENCE AND WHO ARE UNDER SUPERVISION. Offenders who lack a fixed residence and who are under the supervision of the department shall register in the county of their supervision.

~~((ix))~~ (viii) OFFENDERS WHO MOVE TO, WORK, CARRY ON A VOCATION, OR ATTEND SCHOOL IN ANOTHER STATE. Offenders required to register in Washington, who move to another state, or who work, carry on a vocation, or attend school in another state shall register a new address, fingerprints, and photograph with the new state within three business days after establishing residence, or after beginning to work, carry on a vocation, or attend school in the new state. The person must also send written notice within three business days of moving to the new state or to a foreign country to the county sheriff with whom the person last registered in Washington state. The county sheriff shall promptly forward this information to the Washington state patrol.

(b) The county sheriff shall not be required to determine whether the person is living within the county.

(c) An arrest on charges of failure to register, service of an information, or a complaint for a violation of RCW 9A.44.132, or arraignment on charges for a violation of RCW 9A.44.132, constitutes actual notice of the duty to register. Any person charged with the crime of failure to register under RCW 9A.44.132 who asserts as a defense the lack of notice of the duty to register shall register within three business days following actual notice of the duty through arrest, service, or arraignment. Failure to register as required under this subsection ~~((3))~~ (4)(c) constitutes grounds for filing another charge of failing to register. Registering following arrest, service, or arraignment on charges shall not relieve the offender from criminal liability for failure to register prior to the filing of the original charge.

~~((d) The deadlines for the duty to register under this section do not relieve any sex offender of the duty to register under this section as it existed prior to July 28, 1991.~~

~~(4))~~ (5)(a) If any person required to register pursuant to this section changes his or her residence address within the same county, the person must provide, by certified mail, with return receipt requested or in person, signed written notice of the change of address to the county sheriff within three business days of moving.

(b) If any person required to register pursuant to this section moves to a new county, within three business days of moving the person must register with ~~((that))~~ the county sheriff of the county into which the person has moved ~~((within three business days of moving. Within three business days, the person must also))~~ and provide, by certified mail, with return receipt requested or in person, signed written notice of the change of address ~~((in the new county))~~ to the county sheriff with whom the person last registered. The county sheriff with whom the person last registered ~~((shall promptly forward the information concerning the change of address to the county sheriff for the county of the person's new residence. Upon receipt of notice of change of address to a new state, the county sheriff shall promptly forward the information regarding the change of address to the agency designated by the new state as the state's offender registration agency))~~ is responsible for address verification pursuant to RCW 9A.44.135 until the person completes registration of his or her new residence address.

~~((5))~~ (6)(a) Any person required to register under this section who lacks a fixed residence shall provide signed written notice to the sheriff of the county where he or she last registered within three business days after ceasing to have a fixed residence. The notice shall include the information required by subsection (2)(a) of this section, except the photograph and fingerprints. The county sheriff may, for reasonable cause, require the offender to provide a photograph and fingerprints. The sheriff shall forward this information to the sheriff of the county in which the person intends to reside, if the person intends to reside in another county.

(b) A person who lacks a fixed residence must report weekly, in person, to the sheriff of the county where he or she is registered. The weekly report shall be on a day specified by the county sheriff's office, and shall occur during normal business hours. The person must keep an accurate accounting of where he or she stays during the week and provide it to the county sheriff upon request. The lack of a fixed residence is a factor that may be considered in determining an offender's risk level and shall make the offender subject to disclosure of information to the public at large pursuant to RCW 4.24.550.

(c) If any person required to register pursuant to this section does not have a fixed residence, it is an affirmative defense to the charge of failure to register, that he or she provided written notice to the sheriff of the county where he or she last registered within three business days of ceasing to have a fixed residence and has subsequently complied with the requirements of subsections ~~((3))~~ (4)(a) ~~((vii))~~ (vi) or ~~((viii))~~ (vii) and ~~((5))~~ (6) of this section. To prevail, the person must prove the defense by a preponderance of the evidence.

~~((6))~~ (7) A sex offender subject to registration requirements under this section who applies to change his or her name under RCW 4.24.130 or any other law shall submit a copy of the application to the county sheriff of the county of the person's residence and to the state patrol not fewer than five days before the entry of an order granting the name change. No sex offender under the requirement to register under this section at the time of application shall be granted an order changing his or her name if the court finds that doing so will interfere with legitimate law enforcement interests, except that no order shall be denied when

ONE HUNDRED FIRST DAY, APRIL 22, 2015

2015 REGULAR SESSION

the name change is requested for religious or legitimate cultural reasons or in recognition of marriage or dissolution of marriage. A sex offender under the requirement to register under this section who receives an order changing his or her name shall submit a copy of the order to the county sheriff of the county of the person's residence and to the state patrol within three business days of the entry of the order.

~~((7))~~ (8) Except as may otherwise be provided by law, nothing in this section shall impose any liability upon a peace officer, including a county sheriff, or law enforcement agency, for failing to release information authorized under this section.

NEW SECTION. Sec. 4. A new section is added to chapter 9A.44 RCW to read as follows:

(1) RCW 9A.44.128 through 9A.44.145 apply to offenders who committed their crimes and were adjudicated within the following time frames:

(a) Sex offenders convicted of a sex offense on or after July 28, 1991, for a sex offense committed on or after February 28, 1990;

(b) Kidnapping offenders convicted of a kidnapping offense on or after July 27, 1997, for a kidnapping offense committed on or after July 27, 1997;

(c) Sex offenders who, on or after July 28, 1991, were in the custody or under the jurisdiction of the department of corrections, the department of social and health services, a local division of youth services, or a local jail or juvenile detention facility as the result of a sex offense, regardless of when the sex offense was committed;

(d) Kidnapping offenders who, on or after July 27, 1997, were in the custody or under the jurisdiction of the department of corrections, the department of social and health services, a local division of youth services, or a local jail or juvenile detention facility as the result of a kidnapping offense, regardless of when the kidnapping offense was committed;

(e) Any person who is or has been determined to be a sexually violent predator pursuant to chapter 71.09 RCW;

(f) Sex offenders who, on or after July 23, 1995, were in the custody or under the jurisdiction of the United States bureau of prisons, United States courts, United States parole commission, or military parole board as the result of a sex offense, regardless of when the sex offense was committed;

(g) Kidnapping offenders who, on or after July 27, 1997, were in the custody or under the jurisdiction of the United States bureau of prisons, United States courts, United States parole commission, or military parole board as the result of a kidnapping offense, regardless of when the kidnapping offense was committed;

(h) Sex offenders who move to Washington state from another state, tribe, or a foreign country and who were convicted of a sex offense under the laws of this state, another state, a foreign country, tribe, or other federal or military tribunal, regardless of when the sex offense was committed or the conviction occurred;

(i) Kidnapping offenders who move to Washington state from another state, tribe, or a foreign country and who were convicted of a kidnapping offense under the laws of this state, another state, a foreign country, tribe, or other federal or military tribunal, regardless of when the kidnapping offense was committed or the conviction occurred;

(j) Any adult or juvenile found not guilty by reason of insanity under chapter 10.77 RCW of committing a sex offense or of committing a kidnapping offense, regardless of when the offense was committed.

(2) The provisions of this section do not relieve any sex offender of the duty to register under the law as it existed prior to July 28, 1991.

Sec. 5. RCW 9A.44.132 and 2011 c 337 s 5 are each amended to read as follows:

(1) A person commits the crime of failure to register as a sex offender if the person has a duty to register under RCW 9A.44.130 for a felony sex offense and knowingly fails to comply with any of the requirements of RCW 9A.44.130.

(a) The failure to register as a sex offender pursuant to this subsection is a class C felony if:

(i) It is the person's first conviction for a felony failure to register; or

(ii) The person has previously been convicted of a felony failure to register as a sex offender in this state or pursuant to the laws of another state, or pursuant to federal law.

(b) If a person has been convicted of a felony failure to register as a sex offender in this state or pursuant to the laws of another state, or pursuant to federal law, on two or more prior occasions, the failure to register under this subsection is a class B felony.

(2) A person is guilty of failure to register as a sex offender if the person has a duty to register under RCW 9A.44.130 for a sex offense other than a felony and knowingly fails to comply with any of the requirements of RCW 9A.44.130. The failure to register as a sex offender under this subsection is a gross misdemeanor.

(3) A person commits the crime of failure to register as a kidnapping offender if the person has a duty to register under RCW 9A.44.130 for a kidnapping offense and knowingly fails to comply with any of the requirements of RCW 9A.44.130.

(a) If the person has a duty to register for a felony kidnapping offense, the failure to register as a kidnapping offender is a class C felony.

(b) If the person has a duty to register for a kidnapping offense other than a felony, the failure to register as a kidnapping offender is a gross misdemeanor.

(4) A person commits the crime of refusal to provide DNA if the person has a duty to register under RCW 9A.44.130 and the person willfully refuses to comply with a legal request for a DNA sample as required under RCW 43.43.754(1)(b). The refusal to provide DNA is a gross misdemeanor.

(5) Unless relieved of the duty to register pursuant to RCW 9A.44.141 and 9A.44.142, a violation of this section is an ongoing offense for purposes of the statute of limitations under RCW 9A.04.080.

Sec. 6. RCW 9A.44.140 and 2010 c 267 s 4 are each amended to read as follows:

The duty to register under RCW 9A.44.130 shall continue for the duration provided in this section.

(1) For a person convicted in this state of a class A felony (~~or an offense listed in RCW 9A.44.142(5))~~, or a person convicted (~~in this state~~) of any sex offense or kidnapping offense who has one or more prior convictions for a sex offense or kidnapping offense, the duty to register shall continue indefinitely.

(2) For a person convicted in this state of a class B felony who does not have one or more prior convictions for a sex offense or kidnapping offense (~~and whose current offense is not listed in RCW 9A.44.142(5))~~, the duty to register shall end fifteen years after the last date of release from confinement, if any, (including full-time residential treatment) pursuant to the conviction, or entry of the judgment and sentence, if the person has spent fifteen consecutive years in the community without being convicted of a disqualifying offense during that time period.

(3) For a person convicted in this state of a class C felony, a violation of RCW 9.68A.090 or 9A.44.096, or an attempt, solicitation, or conspiracy to commit a class C felony, and the person does not have one or more prior convictions for a sex offense or kidnapping offense ~~((and the person's current offense is not listed in RCW 9A.44.142(5)))~~, the duty to register shall end ten years after the last date of release from confinement, if any, (including full-time residential treatment) pursuant to the conviction, or entry of the judgment and sentence, if the person has spent ten consecutive years in the community without being convicted of a disqualifying offense during that time period.

(4) Except as provided in RCW 9A.44.142, for a person required to register for a federal, tribal, or out-of-state conviction, the duty to register shall continue indefinitely.

(5) For a person who is or has been determined to be a sexually violent predator pursuant to chapter 71.09 RCW, the duty to register shall continue for the person's lifetime.

~~((6))~~ (7) Nothing in this section prevents a person from being relieved of the duty to register under RCW 9A.44.142 and 9A.44.143.

~~((6))~~ (7) Nothing in RCW 9.94A.637 relating to discharge of an offender shall be construed as operating to relieve the offender of his or her duty to register pursuant to RCW 9A.44.130.

~~((7))~~ (8) For purposes of determining whether a person has been convicted of more than one sex offense, failure to register as a sex offender or kidnapping offender is not a sex or kidnapping offense.

~~((8))~~ (9) The provisions of this section and RCW 9A.44.141 through 9A.44.143 apply equally to a person who has been found not guilty by reason of insanity under chapter 10.77 RCW of a sex offense or kidnapping offense.

Sec. 7. RCW 9A.44.141 and 2011 c 337 s 6 are each amended to read as follows:

(1) Upon the request of a person who is listed in the Washington state patrol central registry of sex offenders and kidnapping offenders, the county sheriff shall investigate whether a person's duty to register has ended by operation of law pursuant to RCW 9A.44.140.

(a) Using available records, the county sheriff shall verify that the offender has spent the requisite time in the community and has not been convicted of a disqualifying offense.

(b) If the county sheriff determines the person's duty to register has ended by operation of law, the county sheriff shall request the Washington state patrol remove the person's name from the central registry.

(2) Nothing in this subsection prevents a county sheriff from investigating, upon his or her own initiative, whether a person's duty to register has ended by operation of law pursuant to RCW 9A.44.140.

(3)(a) A person who is listed in the central registry as the result of a federal, tribal, or out-of-state conviction may request the county sheriff to investigate whether the person should be removed from the registry if:

(i) A court or other administrative authority in the person's state of conviction has made an individualized determination that the person ~~((should))~~ is not ~~((be))~~ required to register; and

(ii) The person provides proof of relief from registration to the county sheriff.

(b) If the county sheriff determines the person has been relieved of the duty to register in his or her state of conviction, the county sheriff shall request the Washington state patrol remove the person's name from the central registry.

(4) An appointed or elected public official, public employee, or public agency as defined in RCW 4.24.470, or units of local government and its employees, as provided in RCW 36.28A.010,

are immune from civil liability for damages for removing or requesting the removal of a person from the central registry of sex offenders and kidnapping offenders or the failure to remove or request removal of a person within the time frames provided in RCW 9A.44.140.

Sec. 8. RCW 9A.44.142 and 2011 c 337 s 7 are each amended to read as follows:

(1) A person who is required to register under RCW 9A.44.130 may petition the superior court to be relieved of the duty to register:

(a) If the person has a duty to register for a sex offense or kidnapping offense committed when the offender was a juvenile, regardless of whether the conviction was in this state, as provided in RCW 9A.44.143;

(b) If the person is required to register for a conviction in this state and is not prohibited from petitioning for relief from registration under subsection (2) of this section, when the person has spent ten consecutive years in the community without being convicted of a disqualifying offense during that time period; or

(c) If the person is required to register for a federal, tribal, or out-of-state conviction, when the person has spent fifteen consecutive years in the community without being convicted of a disqualifying offense during that time period.

(2)(a) A person may not petition for relief from registration if the person has been:

(i) Determined to be a sexually violent predator ~~((as defined in RCW 71.09.020))~~ pursuant to chapter 71.09 RCW; or

(ii) Convicted as an adult of a sex offense or kidnapping offense that is a class A felony and that was committed with forcible compulsion on or after June 8, 2000~~((or~~

~~((iii) Until July 1, 2012, convicted of one aggravated offense or more than one sexually violent offense, as defined in subsection (5) of this section, and the offense or offenses were committed on or after March 12, 2002. After July 1, 2012, this subsection (2)(a)(iii) shall have no further force and effect)).~~

(b) Any person who may not be relieved of the duty to register may petition the court to be exempted from any community notification requirements that the person may be subject to fifteen years after the later of the entry of the judgment and sentence or the last date of release from confinement, including full-time residential treatment, pursuant to the conviction, if the person has spent the time in the community without being convicted of a disqualifying offense.

(3) A petition for relief from registration or exemption from notification under this section shall be made to the court in which the petitioner was convicted of the offense that subjects him or her to the duty to register or, in the case of convictions in other states, a foreign country, or a federal, tribal, or military court, to the court in the county where the person is registered at the time the petition is sought. The prosecuting attorney of the county shall be named and served as the respondent in any such petition.

(4)(a) The court may relieve a petitioner of the duty to register only if the petitioner shows by clear and convincing evidence that the petitioner is sufficiently rehabilitated to warrant removal from the central registry of sex offenders and kidnapping offenders.

(b) In determining whether the petitioner is sufficiently rehabilitated to warrant removal from the registry, the following factors are provided as guidance to assist the court in making its determination:

(i) The nature of the registrable offense committed including the number of victims and the length of the offense history;

(ii) Any subsequent criminal history;

(iii) The petitioner's compliance with supervision requirements;

ONE HUNDRED FIRST DAY, APRIL 22, 2015

2015 REGULAR SESSION

(iv) The length of time since the charged incident(s) occurred;

(v) Any input from community corrections officers, law enforcement, or treatment providers;

(vi) Participation in sex offender treatment;

(vii) Participation in other treatment and rehabilitative programs;

(viii) The offender's stability in employment and housing;

(ix) The offender's community and personal support system;

(x) Any risk assessments or evaluations prepared by a qualified professional;

(xi) Any updated polygraph examination;

(xii) Any input of the victim;

(xiii) Any other factors the court may consider relevant.

~~(5)((a) A person who has been convicted of an aggravated offense, or has been convicted of one or more prior sexually violent offenses or criminal offenses against a victim who is a minor, as defined in (b) of this subsection:~~

~~(i) Until July 1, 2012, may not be relieved of the duty to register;~~

~~(ii) After July 1, 2012, may petition the court to be relieved of the duty to register as provided in this section;~~

~~(iii) This provision shall apply to convictions for crimes committed on or after July 22, 2001.~~

~~(b) Unless the context clearly requires otherwise, the following definitions apply only to the federal lifetime registration requirements under this subsection:~~

~~(i) "Aggravated offense" means an adult conviction that meets the definition of 18 U.S.C. Sec. 2241, which is limited to the following:~~

~~(A) Any sex offense involving sexual intercourse or sexual contact where the victim is under twelve years of age;~~

~~(B) RCW 9A.44.040 (rape in the first degree), RCW 9A.44.073 (rape of a child in the first degree), or RCW 9A.44.083 (child molestation in the first degree);~~

~~(C) Any of the following offenses when committed by forcible compulsion or by the offender administering, by threat or force or without the knowledge or permission of that person, a drug, intoxicant, or other similar substance that substantially impairs the ability of that person to appraise or control conduct: RCW 9A.44.050 (rape in the second degree), RCW 9A.44.100 (indecent liberties), RCW 9A.44.160 (custodial sexual misconduct in the first degree), RCW 9A.64.020 (incest), or RCW 9.68A.040 (sexual exploitation of a minor);~~

~~(D) Any of the following offenses when committed by forcible compulsion or by the offender administering, by threat or force or without the knowledge or permission of that person, a drug, intoxicant, or other similar substance that substantially impairs the ability of that person to appraise or control conduct, if the victim is twelve years of age or over but under sixteen years of age and the offender is eighteen years of age or over and is more than forty eight months older than the victim: RCW 9A.44.076 (rape of a child in the second degree), RCW 9A.44.079 (rape of a child in the third degree), RCW 9A.44.086 (child molestation in the second degree), or RCW 9A.44.089 (child molestation in the third degree);~~

~~(E) A felony with a finding of sexual motivation under RCW 9.94A.835 where the victim is under twelve years of age or that is committed by forcible compulsion or by the offender administering, by threat or force or without the knowledge or permission of that person, a drug, intoxicant, or other similar substance that substantially impairs the ability of that person to appraise or control conduct;~~

~~(F) An offense that is, under chapter 9A.28 RCW, an attempt or solicitation to commit such an offense; or~~

~~(G) An offense defined by federal law or the laws of another state that is equivalent to the offenses listed in (b)(i)(A) through (F) of this subsection.~~

~~(ii) "Sexually violent offense" means an adult conviction that meets the definition of 42 U.S.C. Sec. 14071(a)(1)(A), which is limited to the following:~~

~~(A) An aggravated offense;~~

~~(B) An offense that is not an aggravated offense but meets the definition of 18 U.S.C. Sec. 2242, which is limited to RCW 9A.44.050(1) (b) through (f) (rape in the second degree) and RCW 9A.44.100(1) (b) through (f) (indecent liberties);~~

~~(C) A felony with a finding of sexual motivation under RCW 9.94A.835 where the victim is incapable of appraising the nature of the conduct or physically incapable of declining participation in, or communicating unwillingness to engage in, the conduct;~~

~~(D) An offense that is, under chapter 9A.28 RCW, an attempt or solicitation to commit such an offense; or~~

~~(E) An offense defined by federal law or the laws of another state that is equivalent to the offenses listed in (b)(ii)(A) through (D) of this subsection.~~

~~(iii) "Criminal offense against a victim who is a minor" means, in addition to any aggravated offense or sexually violent offense where the victim was under eighteen years of age, an adult conviction for the following offenses where the victim is under eighteen years of age:~~

~~(A) RCW 9A.44.060 (rape in the third degree), RCW 9A.44.076 (rape of a child in the second degree), RCW 9A.44.079 (rape of a child in the third degree), RCW 9A.44.086 (child molestation in the second degree), RCW 9A.44.089 (child molestation in the third degree), RCW 9A.44.093 (sexual misconduct with a minor in the first degree), RCW 9A.44.096 (sexual misconduct with a minor in the second degree), RCW 9A.44.160 (custodial sexual misconduct in the first degree), RCW 9A.64.020 (incest), RCW 9.68A.040 (sexual exploitation of a minor), RCW 9.68A.090 (communication with a minor for immoral purposes), or RCW 9.68A.100 (commercial sexual abuse of a minor);~~

~~(B) RCW 9A.40.020 (kidnapping in the first degree), RCW 9A.40.030 (kidnapping in the second degree), or RCW 9A.40.040 (unlawful imprisonment), where the victim is a minor and the offender is not the minor's parent;~~

~~(C) A felony with a finding of sexual motivation under RCW 9.94A.835 where the victim is a minor;~~

~~(D) An offense that is, under chapter 9A.28 RCW, an attempt or solicitation to commit such an offense; or~~

~~(E) An offense defined by federal law or the laws of another state that is equivalent to the offenses listed in (b)(iii)(A) through (D) of this subsection)) If a person is relieved of the duty to register pursuant to this section, the relief of registration does not constitute a certificate of rehabilitation, or the equivalent of a certificate of rehabilitation, for the purposes of restoration of firearm possession under RCW 9.41.040.~~

Sec. 9. RCW 9A.44.143 and 2011 c 338 s 1 are each amended to read as follows:

(1) An offender having a duty to register under RCW 9A.44.130 for a sex offense or kidnapping offense committed when the offender was a juvenile, and who has not been determined to be a sexually violent predator pursuant to chapter 71.09 RCW may petition the superior court to be relieved of that duty as provided in this section.

(2) For class A sex offenses or kidnapping offenses committed when the petitioner was fifteen years of age or older, the court may relieve the petitioner of the duty to register if:

(a) At least sixty months have passed since the petitioner's adjudication and completion of any term of confinement for the

offense giving rise to the duty to register and the petitioner has not been adjudicated or convicted of any additional sex offenses or kidnapping offenses within the sixty months before the petition;

(b) The petitioner has not been adjudicated or convicted of a violation of RCW 9A.44.132 (failure to register) during the sixty months prior to filing the petition; and

(c) The petitioner shows by a preponderance of the evidence that the petitioner is sufficiently rehabilitated to warrant removal from the central registry of sex offenders and kidnapping offenders.

(3) For all other sex offenses or kidnapping offenses committed by a juvenile not included in subsection (2) of this section, the court may relieve the petitioner of the duty to register if:

(a) At least twenty-four months have passed since the petitioner's adjudication and completion of any term of confinement for the offense giving rise to the duty to register and the petitioner has not been adjudicated or convicted of any additional sex offenses or kidnapping offenses within the twenty-four months before the petition;

(b) The petitioner has not been adjudicated or convicted of a violation of RCW 9A.44.132 (failure to register) during the twenty-four months prior to filing the petition; and

(c) The petitioner shows by a preponderance of the evidence that the petitioner is sufficiently rehabilitated to warrant removal from the central registry of sex offenders and kidnapping offenders.

(4) A petition for relief from registration under this section shall be made to the court in which the petitioner was convicted of the offense that subjects him or her to the duty to register or, in the case of convictions in other states, a foreign country, or a federal or military court, to the court in (~~Thurston~~) the county in which the juvenile is registered at the time a petition is sought. The prosecuting attorney of the county shall be named and served as the respondent in any such petition.

(5) In determining whether the petitioner is sufficiently rehabilitated to warrant removal from the central registry of sex offenders and kidnapping offenders, the following factors are provided as guidance to assist the court in making its determination, to the extent the factors are applicable considering the age and circumstances of the petitioner:

(a) The nature of the registrable offense committed including the number of victims and the length of the offense history;

(b) Any subsequent criminal history;

(c) The petitioner's compliance with supervision requirements;

(d) The length of time since the charged incident(s) occurred;

(e) Any input from community corrections officers, juvenile parole or probation officers, law enforcement, or treatment providers;

(f) Participation in sex offender treatment;

(g) Participation in other treatment and rehabilitative programs;

(h) The offender's stability in employment and housing;

(i) The offender's community and personal support system;

(j) Any risk assessments or evaluations prepared by a qualified professional;

(k) Any updated polygraph examination;

(l) Any input of the victim;

(m) Any other factors the court may consider relevant.

(6) If a person is relieved of the duty to register pursuant to this section, the relief of registration does not constitute a certificate of rehabilitation, or the equivalent of a certificate of rehabilitation, for the purposes of restoration of firearm possession under RCW 9.41.040.

(7) A juvenile prosecuted and convicted of a sex offense or kidnapping offense as an adult pursuant to RCW 13.40.110 or 13.04.030 may not petition to the superior court under this section and must follow the provisions of RCW 9A.44.142.

(8) An adult prosecuted for an offense committed as a juvenile once the juvenile court has lost jurisdiction due to the passage of time between the date of the offense and the date of filing of charges may petition the superior court under the provisions of this section.

Sec. 10. RCW 43.43.754 and 2008 c 97 s 2 are each amended to read as follows:

(1) A biological sample must be collected for purposes of DNA identification analysis from:

(a) Every adult or juvenile individual convicted of a felony, or any of the following crimes (or equivalent juvenile offenses):

Assault in the fourth degree with sexual motivation (RCW 9A.36.041, 9.94A.835)

Communication with a minor for immoral purposes (RCW 9.68A.090)

Custodial sexual misconduct in the second degree (RCW 9A.44.170)

Failure to register (RCW 9A.44.130 for persons convicted on or before June 10, 2010, and RCW 9A.44.132 for persons convicted after June 10, 2010)

Harassment (RCW 9A.46.020)

Patronizing a prostitute (RCW 9A.88.110)

Sexual misconduct with a minor in the second degree (RCW 9A.44.096)

Stalking (RCW 9A.46.110)

Violation of a sexual assault protection order granted under chapter 7.90 RCW; and

(b) Every adult or juvenile individual who is required to register under RCW 9A.44.130.

(2) If the Washington state patrol crime laboratory already has a DNA sample from an individual for a qualifying offense, a subsequent submission is not required to be submitted.

(3) Biological samples shall be collected in the following manner:

(a) For persons convicted of any offense listed in subsection (1)(a) of this section or adjudicated guilty of an equivalent juvenile offense who do not serve a term of confinement in a department of corrections facility, and do serve a term of confinement in a city or county jail facility, the city or county shall be responsible for obtaining the biological samples.

(b) The local police department or sheriff's office shall be responsible for obtaining the biological samples for:

(i) Persons convicted of any offense listed in subsection (1)(a) of this section or adjudicated guilty of an equivalent juvenile offense who do not serve a term of confinement in a department of corrections facility, and do not serve a term of confinement in a city or county jail facility; and

(ii) Persons who are required to register under RCW (~~9A.44.030~~) 9A.44.130.

(c) For persons convicted of any offense listed in subsection (1)(a) of this section or adjudicated guilty of an equivalent juvenile offense, who are serving or who are to serve a term of confinement in a department of corrections facility or a department of social and health services facility, the facility holding the person shall be responsible for obtaining the biological samples. For those persons incarcerated before June 12, 2008, who have not yet had a biological sample collected, priority shall be given to those persons who will be released the soonest.

(4) Any biological sample taken pursuant to RCW 43.43.752 through 43.43.758 may be retained by the forensic laboratory services bureau, and shall be used solely for the purpose of

ONE HUNDRED FIRST DAY, APRIL 22, 2015

2015 REGULAR SESSION

providing DNA or other tests for identification analysis and prosecution of a criminal offense or for the identification of human remains or missing persons. Nothing in this section prohibits the submission of results derived from the biological samples to the federal bureau of investigation combined DNA index system.

(5) The forensic laboratory services bureau of the Washington state patrol is responsible for testing performed on all biological samples that are collected under subsection (1) of this section, to the extent allowed by funding available for this purpose. The director shall give priority to testing on samples collected from those adults or juveniles convicted of a felony or adjudicated guilty of an equivalent juvenile offense that is defined as a sex offense or a violent offense in RCW 9.94A.030. Known duplicate samples may be excluded from testing unless testing is deemed necessary or advisable by the director.

(6) This section applies to:

(a) All adults and juveniles to whom this section applied prior to June 12, 2008;

(b) All adults and juveniles to whom this section did not apply prior to June 12, 2008, who:

(i) Are convicted on or after June 12, 2008, of an offense listed in subsection (1)(a) of this section; or

(ii) Were convicted prior to June 12, 2008, of an offense listed in subsection (1)(a) of this section and are still incarcerated on or after June 12, 2008; and

(c) All adults and juveniles who are required to register under RCW 9A.44.130 on or after June 12, 2008, whether convicted before, on, or after June 12, 2008.

(7) This section creates no rights in a third person. No cause of action may be brought based upon the noncollection or nonanalysis or the delayed collection or analysis of a biological sample authorized to be taken under RCW 43.43.752 through 43.43.758.

(8) The detention, arrest, or conviction of a person based upon a database match or database information is not invalidated if it is determined that the sample was obtained or placed in the database by mistake, or if the conviction or juvenile adjudication that resulted in the collection of the biological sample was subsequently vacated or otherwise altered in any future proceeding including but not limited to posttrial or postfact-finding motions, appeals, or collateral attacks.

(9) A person commits the crime of refusal to provide DNA if the person has a duty to register under RCW 9A.44.130 and the person willfully refuses to comply with a legal request for a DNA sample as required under this section. The refusal to provide DNA is a gross misdemeanor.

Sec. 11. RCW 9.94A.515 and 2013 c 322 s 26, 2013 c 290 s 8, 2013 c 267 s 2, and 2013 c 153 s 2 are each reenacted and amended to read as follows:

TABLE 2
CRIMES INCLUDED WITHIN EACH
SERIOUSNESS LEVEL

XVI	Aggravated Murder 1 (RCW 10.95.020)
XV	Homicide by abuse (RCW 9A.32.055)
	Malicious explosion 1 (RCW 70.74.280(1))
	Murder 1 (RCW 9A.32.030)
XIV	Murder 2 (RCW 9A.32.050)
	Trafficking 1 (RCW 9A.40.100(1))
XIII	Malicious explosion 2 (RCW 70.74.280(2))
	Malicious placement of an explosive 1 (RCW 70.74.270(1))
XII	Assault 1 (RCW 9A.36.011)
	Assault of a Child 1 (RCW 9A.36.120)
	Malicious placement of an imitation device 1

	(RCW 70.74.272(1)(a))
	Promoting Commercial Sexual Abuse of a Minor (RCW 9.68A.101)
	Rape 1 (RCW 9A.44.040)
	Rape of a Child 1 (RCW 9A.44.073)
	Trafficking 2 (RCW 9A.40.100((2))) (3)
XI	Manslaughter 1 (RCW 9A.32.060)
	Rape 2 (RCW 9A.44.050)
	Rape of a Child 2 (RCW 9A.44.076)
	Vehicular Homicide, by being under the influence of intoxicating liquor or any drug (RCW 46.61.520)
X	Child Molestation 1 (RCW 9A.44.083)
	Criminal Mistreatment 1 (RCW 9A.42.020)
	Indecent Liberties (with forcible compulsion) (RCW 9A.44.100(1)(a))
	Kidnapping 1 (RCW 9A.40.020)
	Leading Organized Crime (RCW 9A.82.060(1)(a))
	Malicious explosion 3 (RCW 70.74.280(3))
	Sexually Violent Predator Escape (RCW 9A.76.115)
IX	Abandonment of Dependent Person 1 (RCW 9A.42.060)
	Assault of a Child 2 (RCW 9A.36.130)
	Explosive devices prohibited (RCW 70.74.180)
	Hit and Run—Death (RCW 46.52.020(4)(a))
	Homicide by Watercraft, by being under the influence of intoxicating liquor or any drug (RCW 79A.60.050)
	Inciting Criminal Profiteering (RCW 9A.82.060(1)(b))
	Malicious placement of an explosive 2 (RCW 70.74.270(2))
	Robbery 1 (RCW 9A.56.200)
	Sexual Exploitation (RCW 9.68A.040)
VIII	Arson 1 (RCW 9A.48.020)
	Commercial Sexual Abuse of a Minor (RCW 9.68A.100)
	Homicide by Watercraft, by the operation of any vessel in a reckless manner (RCW 79A.60.050)
	Manslaughter 2 (RCW 9A.32.070)
	Promoting Prostitution 1 (RCW 9A.88.070)
	Theft of Ammonia (RCW 69.55.010)
	Vehicular Homicide, by the operation of any vehicle in a reckless manner (RCW 46.61.520)
VII	Burglary 1 (RCW 9A.52.020)
	Child Molestation 2 (RCW 9A.44.086)
	Civil Disorder Training (RCW 9A.48.120)
	Dealing in depictions of minor engaged in sexually explicit conduct 1 (RCW 9.68A.050(1))
	Drive-by Shooting (RCW 9A.36.045)
	Homicide by Watercraft, by disregard for the safety of others (RCW 79A.60.050)
	Indecent Liberties (without forcible compulsion) (RCW 9A.44.100(1) (b) and (c))
	Introducing Contraband 1 (RCW 9A.76.140)
	Malicious placement of an explosive 3 (RCW 70.74.270(3))
	Negligently Causing Death By Use of a

- Signal Preemption Device (RCW 46.37.675)
- Sending, bringing into state depictions of minor engaged in sexually explicit conduct 1 (RCW 9.68A.060(1))
- Unlawful Possession of a Firearm in the first degree (RCW 9.41.040(1))
- Use of a Machine Gun in Commission of a Felony (RCW 9.41.225)
- Vehicular Homicide, by disregard for the safety of others (RCW 46.61.520)
- VI Bail Jumping with Murder 1 (RCW 9A.76.170(3)(a))
- Bribery (RCW 9A.68.010)
- Incest 1 (RCW 9A.64.020(1))
- Intimidating a Judge (RCW 9A.72.160)
- Intimidating a Juror/Witness (RCW 9A.72.110, 9A.72.130)
- Malicious placement of an imitation device 2 (RCW 70.74.272(1)(b))
- Possession of Depictions of a Minor Engaged in Sexually Explicit Conduct 1 (RCW 9.68A.070(1))
- Rape of a Child 3 (RCW 9A.44.079)
- Theft of a Firearm (RCW 9A.56.300)
- Unlawful Storage of Ammonia (RCW 69.55.020)
- V Abandonment of Dependent Person 2 (RCW 9A.42.070)
- Advancing money or property for extortionate extension of credit (RCW 9A.82.030)
- Bail Jumping with class A Felony (RCW 9A.76.170(3)(b))
- Child Molestation 3 (RCW 9A.44.089)
- Criminal Mistreatment 2 (RCW 9A.42.030)
- Custodial Sexual Misconduct 1 (RCW 9A.44.160)
- Dealing in Depictions of Minor Engaged in Sexually Explicit Conduct 2 (RCW 9.68A.050(2))
- Domestic Violence Court Order Violation (RCW 10.99.040, 10.99.050, 26.09.300, 26.10.220, 26.26.138, 26.50.110, 26.52.070, or 74.34.145)
- Driving While Under the Influence (RCW 46.61.502(6))
- Extortion 1 (RCW 9A.56.120)
- Extortionate Extension of Credit (RCW 9A.82.020)
- Extortionate Means to Collect Extensions of Credit (RCW 9A.82.040)
- Incest 2 (RCW 9A.64.020(2))
- Kidnapping 2 (RCW 9A.40.030)
- Perjury 1 (RCW 9A.72.020)
- Persistent prison misbehavior (RCW 9.94.070)
- Physical Control of a Vehicle While Under the Influence (RCW 46.61.504(6))
- Possession of a Stolen Firearm (RCW 9A.56.310)
- Rape 3 (RCW 9A.44.060)
- Rendering Criminal Assistance 1 (RCW 9A.76.070)
- Sending, Bringing into State Depictions of Minor Engaged in Sexually Explicit Conduct 2 (RCW 9.68A.060(2))
- Sexual Misconduct with a Minor 1 (RCW 9A.44.093)
- Sexually Violating Human Remains (RCW 9A.44.105)
- Stalking (RCW 9A.46.110)
- Taking Motor Vehicle Without Permission 1 (RCW 9A.56.070)
- IV Arson 2 (RCW 9A.48.030)
- Assault 2 (RCW 9A.36.021)
- Assault 3 (of a Peace Officer with a Projectile Stun Gun) (RCW 9A.36.031(1)(h))
- Assault by Watercraft (RCW 79A.60.060)
- Bribing a Witness/Bribe Received by Witness (RCW 9A.72.090, 9A.72.100)
- Cheating 1 (RCW 9.46.1961)
- Commercial Bribery (RCW 9A.68.060)
- Counterfeiting (RCW 9.16.035(4))
- Endangerment with a Controlled Substance (RCW 9A.42.100)
- Escape 1 (RCW 9A.76.110)
- Hit and Run—Injury (RCW 46.52.020(4)(b))
- Hit and Run with Vessel—Injury Accident (RCW 79A.60.200(3))
- Identity Theft 1 (RCW 9.35.020(2))
- Indecent Exposure to Person Under Age Fourteen (subsequent sex offense) (RCW 9A.88.010)
- Influencing Outcome of Sporting Event (RCW 9A.82.070)
- Malicious Harassment (RCW 9A.36.080)
- Possession of Depictions of a Minor Engaged in Sexually Explicit Conduct 2 (RCW 9.68A.070(2))
- Residential Burglary (RCW 9A.52.025)
- Robbery 2 (RCW 9A.56.210)
- Theft of Livestock 1 (RCW 9A.56.080)
- Threats to Bomb (RCW 9.61.160)
- Trafficking in Stolen Property 1 (RCW 9A.82.050)
- Unlawful factoring of a credit card or payment card transaction (RCW 9A.56.290(4)(b))
- Unlawful transaction of health coverage as a health care service contractor (RCW 48.44.016(3))
- Unlawful transaction of health coverage as a health maintenance organization (RCW 48.46.033(3))
- Unlawful transaction of insurance business (RCW 48.15.023(3))
- Unlicensed practice as an insurance professional (RCW 48.17.063(2))
- Use of Proceeds of Criminal Profiteering (RCW 9A.82.080 (1) and (2))
- Vehicle Prowling 2 (third or subsequent offense) (RCW 9A.52.100(3))
- Vehicular Assault, by being under the influence of intoxicating liquor or any drug, or by the operation or driving of a vehicle in a reckless manner (RCW 46.61.522)
- Viewing of Depictions of a Minor Engaged in Sexually Explicit Conduct 1 (RCW 9.68A.075(1))
- Willful Failure to Return from Furlough (RCW 72.66.060)

ONE HUNDRED FIRST DAY, APRIL 22, 2015

2015 REGULAR SESSION

- III Animal Cruelty 1 (Sexual Conduct or Contact) (RCW 16.52.205(3))
 Assault 3 (Except Assault 3 of a Peace Officer With a Projectile Stun Gun) (RCW 9A.36.031 except subsection (1)(h))
 Assault of a Child 3 (RCW 9A.36.140)
 Bail Jumping with class B or C Felony (RCW 9A.76.170(3)(c))
 Burglary 2 (RCW 9A.52.030)
 Communication with a Minor for Immoral Purposes (RCW 9.68A.090)
 Criminal Gang Intimidation (RCW 9A.46.120)
 Custodial Assault (RCW 9A.36.100)
 Cyberstalking (subsequent conviction or threat of death) (RCW 9.61.260(3))
 Escape 2 (RCW 9A.76.120)
 Extortion 2 (RCW 9A.56.130)
 Harassment (RCW 9A.46.020)
 Intimidating a Public Servant (RCW 9A.76.180)
 Introducing Contraband 2 (RCW 9A.76.150)
 Malicious Injury to Railroad Property (RCW 81.60.070)
 Mortgage Fraud (RCW 19.144.080)
 Negligently Causing Substantial Bodily Harm By Use of a Signal Preemption Device (RCW 46.37.674)
 Organized Retail Theft 1 (RCW 9A.56.350(2))
 Perjury 2 (RCW 9A.72.030)
 Possession of Incendiary Device (RCW 9.40.120)
 Possession of Machine Gun or Short-Barreled Shotgun or Rifle (RCW 9.41.190)
 Promoting Prostitution 2 (RCW 9A.88.080)
 Retail Theft with Special Circumstances 1 (RCW 9A.56.360(2))
 Securities Act violation (RCW 21.20.400)
 Tampering with a Witness (RCW 9A.72.120)
 Telephone Harassment (subsequent conviction or threat of death) (RCW 9.61.230(2))
 Theft of Livestock 2 (RCW 9A.56.083)
 Theft with the Intent to Resell 1 (RCW 9A.56.340(2))
 Trafficking in Stolen Property 2 (RCW 9A.82.055)
 Unlawful Hunting of Big Game 1 (RCW 77.15.410(3)(b))
 Unlawful Imprisonment (RCW 9A.40.040)
 Unlawful Misbranding of Food Fish or Shellfish 1 (RCW 69.04.938(3))
 Unlawful possession of firearm in the second degree (RCW 9A.41.040(2))
 Unlawful Taking of Endangered Fish or Wildlife 1 (RCW 77.15.120(3)(b))
 Unlawful Trafficking in Fish, Shellfish, or Wildlife 1 (RCW 77.15.260(3)(b))
 Unlawful Use of a Nondesignated Vessel (RCW 77.15.530(4))
 Vehicular Assault, by the operation or driving of a vehicle with disregard for the safety of others (RCW 46.61.522)
 Willful Failure to Return from Work Release (RCW 72.65.070)
- II Commercial Fishing Without a License 1 (RCW 77.15.500(3)(b))

- Computer Trespass 1 (RCW 9A.52.110)
 Counterfeiting (RCW 9.16.035(3))
 Engaging in Fish Dealing Activity Unlicensed 1 (RCW 77.15.620(3))
 Escape from Community Custody (RCW 72.09.310)
 Failure to Register as a Sex Offender (second or subsequent offense) (RCW 9A.44.130 prior to June 10, 2010, and RCW 9A.44.132)
 Health Care False Claims (RCW 48.80.030)
 Identity Theft 2 (RCW 9.35.020(3))
 Improperly Obtaining Financial Information (RCW 9.35.010)
 Malicious Mischief 1 (RCW 9A.48.070)
 Organized Retail Theft 2 (RCW 9A.56.350(3))
 Possession of Stolen Property 1 (RCW 9A.56.150)
 Possession of a Stolen Vehicle (RCW 9A.56.068)
 Retail Theft with Special Circumstances 2 (RCW 9A.56.360(3))
 Scrap Processing, Recycling, or Supplying Without a License (second or subsequent offense) (RCW 19.290.100)
 Theft 1 (RCW 9A.56.030)
 Theft of a Motor Vehicle (RCW 9A.56.065)
 Theft of Rental, Leased, or Lease-purchased Property (valued at one thousand five hundred dollars or more) (RCW 9A.56.096(5)(a))
 Theft with the Intent to Resell 2 (RCW 9A.56.340(3))
 Trafficking in Insurance Claims (RCW 48.30A.015)
 Unlawful factoring of a credit card or payment card transaction (RCW 9A.56.290(4)(a))
 Unlawful Participation of Non-Indians in Indian Fishery (RCW 77.15.570(2))
 Unlawful Practice of Law (RCW 2.48.180)
 Unlawful Purchase or Use of a License (RCW 77.15.650(3)(b))
 Unlawful Trafficking in Fish, Shellfish, or Wildlife 2 (RCW 77.15.260(3)(a))
 Unlicensed Practice of a Profession or Business (RCW 18.130.190(7))
 Voyeurism (RCW 9A.44.115)
- I Attempting to Elude a Pursuing Police Vehicle (RCW 46.61.024)
 False Verification for Welfare (RCW 74.08.055)
 Forgery (RCW 9A.60.020)
 Fraudulent Creation or Revocation of a Mental Health Advance Directive (RCW 9A.60.060)
 Malicious Mischief 2 (RCW 9A.48.080)
 Mineral Trespass (RCW 78.44.330)
 Possession of Stolen Property 2 (RCW 9A.56.160)
 Reckless Burning 1 (RCW 9A.48.040)
 Spotlighting Big Game 1 (RCW 77.15.450(3)(b))
 Suspension of Department Privileges 1 (RCW 77.15.670(3)(b))
 Taking Motor Vehicle Without Permission 2 (RCW 9A.56.075)

Theft 2 (RCW 9A.56.040)
 Theft of Rental, Leased, or Lease-purchased Property (valued at two hundred fifty dollars or more but less than one thousand five hundred dollars) (RCW 9A.56.096(5)(b))
 Transaction of insurance business beyond the scope of licensure (RCW 48.17.063)
 Unlawful Fish and Shellfish Catch Accounting (RCW 77.15.630(3)(b))
 Unlawful Issuance of Checks or Drafts (RCW 9A.56.060)
 Unlawful Possession of Fictitious Identification (RCW 9A.56.320)
 Unlawful Possession of Instruments of Financial Fraud (RCW 9A.56.320)
 Unlawful Possession of Payment Instruments (RCW 9A.56.320)
 Unlawful Possession of a Personal Identification Device (RCW 9A.56.320)
 Unlawful Production of Payment Instruments (RCW 9A.56.320)
 Unlawful ~~(Release of)~~ Releasing, planting, possessing, or placing Deleterious Exotic Wildlife (RCW 77.15.250(2)(b))
 Unlawful Trafficking in Food Stamps (RCW 9.91.142)
 Unlawful Use of Food Stamps (RCW 9.91.144)
 Unlawful Use of Net to Take Fish 1 (RCW 77.15.580(3)(b))
 Unlawful Use of Prohibited Aquatic Animal Species (RCW 77.15.253(3))
 Vehicle Prowl 1 (RCW 9A.52.095)
 Violating Commercial Fishing Area or Time 1 (RCW 77.15.550(3)(b))

Sec. 12. RCW 9.94A.030 and 2012 c 143 s 1 are each 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.

(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.

(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);

ONE HUNDRED FIRST DAY, APRIL 22, 2015

2015 REGULAR SESSION

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) "Domestic violence" has the same meaning as defined in RCW 10.99.020 and 26.50.010.

(21) "Drug offender sentencing alternative" is a sentencing option available to persons convicted of a felony offense other than a violent offense or a sex offense and 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) "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.

(25) "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.

(26) "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.

(27) "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.

(28) "Home detention" means a program of partial confinement available to offenders wherein the offender is confined in a private residence subject to electronic surveillance.

(29) "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.

(30) "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.

(31) "Minor child" means a biological or adopted child of the offender who is under age eighteen at the time of the offender's current offense.

(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) Robbery in the second degree;
- (p) Sexual exploitation;
- (q) 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;
- (r) 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;
- (s) Any other class B felony offense with a finding of sexual motivation;

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

(u) 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;

(v)(i) A prior conviction for indecent liberties under RCW 9A.44.100(1) (a), (b), and (c), chapter 260, Laws of 1975 1st 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;

(w) 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 misdemeanor or gross misdemeanor 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 or work crew has been ordered by the court or home detention has been ordered by the department as part of the parenting 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, and a combination of work crew 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 9.41 RCW);

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

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

(vii) Malicious Harassment (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

ONE HUNDRED FIRST DAY, APRIL 22, 2015

2015 REGULAR SESSION

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 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) "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, 26.10, 26.26, or 26.50 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.

(42) "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.

(43) "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.

(44) "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.

(45) "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.

(46) "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.

(47) "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.

(48) "Standard sentence range" means the sentencing court's discretionary range in imposing a nonappealable sentence.

(49) "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.

(50) "Stranger" means that the victim did not know the offender twenty-four hours before the offense.

(51) "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.

(52) "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.

(53) "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.

(54) "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.

(55) "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.

(56) "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.

(57) "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.

Sec. 13. RCW 28A.300.147 and 2011 c 338 s 6 are each amended to read as follows:

The superintendent of public instruction shall publish on its web site, with a link to the safety center web page(,);

(1) A revised and updated sample policy for schools to follow regarding students required to register as sex or kidnapping offenders; and

(2) Educational materials developed pursuant to RCW 28A.300.145.

Sec. 14. RCW 72.09.345 and 2011 c 338 s 5 are each amended to read as follows:

(1) In addition to any other information required to be released under this chapter, the department is authorized, pursuant to RCW 4.24.550, to release relevant information that is necessary to protect the public concerning offenders convicted of sex offenses.

(2) In order for ~~((public))~~ law enforcement agencies to have the information necessary to notify the public as authorized in RCW 4.24.550, the secretary shall establish and administer an end-of-sentence review committee for the purposes of assigning risk levels, reviewing available release plans, and making appropriate referrals for sex offenders.

(3) The committee shall assess, on a case-by-case basis, the public risk posed by:

(a) Offenders preparing for release from confinement for a sex offense or sexually violent offense committed on or after July 1, 1984;

(b) Sex offenders accepted from another state under a reciprocal agreement under the interstate corrections compact authorized in chapter 72.74 RCW;

(c) Juveniles preparing for release from confinement for a sex offense and releasing from the department of social and health services juvenile rehabilitation administration;

(d) Juveniles, following disposition, under the jurisdiction of a county juvenile court for a registerable sex offense; and

(e) Juveniles found to have committed a sex offense and accepted from another state under a reciprocal agreement under the interstate compact for juveniles authorized in chapter 13.24 RCW.

(4) Notwithstanding any other provision of law, the committee shall have access to all relevant records and information in the possession of public agencies relating to the offenders under review, including police reports; prosecutors' statements of probable cause; presentence investigations and reports; complete judgments and sentences; current classification referrals; criminal history summaries; violation and disciplinary reports; all psychological evaluations and psychiatric hospital reports; sex offender treatment program reports; and juvenile records. Records and information obtained under this subsection shall not be disclosed outside the committee unless otherwise authorized by law.

(5) The committee shall review each sex offender under its authority before the offender's release from confinement or start of the offender's term of community custody in order to: (a) Classify the offender into a risk level for the purposes of public notification under RCW 4.24.550; (b) where available, review the offender's proposed release plan in accordance with the requirements of RCW 72.09.340; and (c) make appropriate referrals.

(6) The committee shall classify as risk level I those sex offenders whose risk assessments indicate ~~((#))~~ they are at a low risk ((of reoffense)) to sexually reoffend within the community at large. The committee shall classify as risk level II those offenders whose risk assessments indicate ~~((#))~~ they are at a moderate risk ((of reoffense)) to sexually reoffend within the community at large. The committee shall classify as risk level III those offenders whose risk assessments indicate ~~((#))~~ they are at a high risk ((of reoffense)) to sexually reoffend within the community at large.

(7) The committee shall issue to appropriate law enforcement agencies, for their use in making public notifications under RCW 4.24.550, narrative notices regarding the pending release of sex offenders from the department's facilities. The narrative notices

ONE HUNDRED FIRST DAY, APRIL 22, 2015

2015 REGULAR SESSION

shall, at a minimum, describe the identity and criminal history behavior of the offender and shall include the department's risk level classification for the offender. For sex offenders classified as either risk level II or III, the narrative notices shall also include the reasons underlying the classification.

NEW SECTION. Sec. 15. The attorney general shall evaluate the availability of data to determine the comparability of sex and kidnapping offenses among the states, federal government, and other jurisdictions as needed to facilitate the implementation of RCW 9A.44.128. The attorney general shall recommend whether the creation of such a database is advisable. The attorney general shall report his or her findings to the appropriate policy committees of the legislature by December 1, 2015.

NEW SECTION. Sec. 16. (1) The sex offender policy board must review and make findings and recommendations regarding the following:

(a) Disclosure to the public of information compiled and submitted for the purposes of sex offender and kidnapping offender registries that is currently held by public agencies, including the relationship between chapter 42.56 RCW and RCW 4.24.550;

(b) Any other best practices adopted by or under consideration in other states regarding public disclosure of information compiled and submitted for the purposes of sex offender and kidnapping offender registries;

(c) Ability of registered sex offenders and kidnapping offenders to petition for review of their assigned risk level classification and whether such a review process should be conducted according to a uniform statewide standard; and

(d) The guidelines established under RCW 4.24.5501 addressing sex offender community notification, including whether and how public access to the guidelines can be improved.

(2) The sex offender policy board must report its findings and recommendations pursuant to this section to the governor and to the appropriate committees of the legislature on or before December 1, 2015."

Correct the title.

and the same are herewith transmitted.

BERNARD DEAN, Deputy Chief Clerk

MOTION

Senator Padden moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5154.

Senators Padden and Hargrove spoke in favor of the motion.

The President Pro Tempore declared the question before the Senate to be the motion by Senator Padden that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5154.

The motion by Senator Padden carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5154 by voice vote.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5154, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5154, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dandel, Darneille, Ericksen, Fain, Fraser, Frockt, Habib, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Jayapal, Keiser, King, Kohl-Welles, Litzow, McAuliffe, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Schoesler, Sheldon and Warnick

Excused: Senators Liias and Rolfe

SUBSTITUTE SENATE BILL NO. 5154, as amended by the House, 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.

MESSAGE FROM THE HOUSE

April 22, 2015

MR. PRESIDENT:

The House receded from its amendment(s) to ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5269. Under suspension of the rules, the bill was returned to second reading for the purposes of amendment(s). The House adopted the following amendment(s): 5269-S2.E AMH WALK H2735.1, and passed the bill as amended by the House.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. This act may be known and cited as Joel's Law.

NEW SECTION. Sec. 2. A new section is added to chapter 71.05 RCW to read as follows:

(1) If a designated mental health professional decides not to detain a person for evaluation and treatment under RCW 71.05.150 or 71.05.153 or forty-eight hours have elapsed since a designated mental health professional received a request for investigation and the designated mental health professional has not taken action to have the person detained, an immediate family member or guardian or conservator of the person may petition the superior court for the person's initial detention.

(2)(a) The petition must be submitted on forms developed by the administrative office of the courts for this purpose. The petition must be accompanied by a sworn declaration from the petitioner, and other witnesses if desired, describing why the person should be detained for evaluation and treatment. The description of why the person should be detained may contain, but is not limited to, the information identified in RCW 71.05.212.

(b) The petition must contain:

(i) A description of the relationship between the petitioner and the person; and

(ii) The date on which an investigation was requested from the designated mental health professional.

(3) The court shall, within one judicial day, review the petition to determine whether the petition raises sufficient evidence to support the allegation. If the court so finds, it shall provide a copy of the petition to the designated mental health professional agency with an order for the agency to provide the court, within one judicial day, with a written sworn statement describing the basis for the decision not to seek initial detention and a copy of all information material to the designated mental health professional's current decision.

(4) Following the filing of the petition and before the court reaches a decision, any person, including a mental health professional, may submit a sworn declaration to the court in support of or in opposition to initial detention.

(5) The court shall dismiss the petition at any time if it finds that a designated mental health professional has filed a petition for the person's initial detention under RCW 71.05.150 or 71.05.153 or that the person has voluntarily accepted appropriate treatment.

(6) The court must issue a final ruling on the petition within five judicial days after it is filed. After reviewing all of the information provided to the court, the court may enter an order for initial detention if the court finds that: (a) There is probable cause to support a petition for detention; and (b) the person has refused or failed to accept appropriate evaluation and treatment voluntarily. The court shall transmit its final decision to the petitioner.

(7) If the court enters an order for initial detention, it shall provide the order to the designated mental health professional agency, which shall execute the order without delay. An order for initial detention under this section expires one hundred eighty days from issuance.

(8) Except as otherwise expressly stated in this chapter, all procedures must be followed as if the order had been entered under RCW 71.05.150. RCW 71.05.160 does not apply if detention was initiated under the process set forth in this section.

(9) For purposes of this section, "immediate family member" means a spouse, domestic partner, child, stepchild, parent, stepparent, grandparent, or sibling.

NEW SECTION. Sec. 3. A new section is added to chapter 71.05 RCW to read as follows:

(1) The department and each regional support network or agency employing designated mental health professionals shall publish information in an easily accessible format describing the process for an immediate family member, guardian, or conservator to petition for court review of a detention decision under section 2 of this act.

(2) A designated mental health professional or designated mental health professional agency that receives a request for investigation for possible detention under this chapter must inquire whether the request comes from an immediate family member, guardian, or conservator who would be eligible to petition under section 2 of this act. If the designated mental health professional decides not to detain the person for evaluation and treatment under RCW 71.05.150 or 71.05.153 or forty-eight hours have elapsed since the request for investigation was received and the designated mental health professional has not taken action to have the person detained, the designated mental health professional or designated mental health professional agency must inform the immediate family member, guardian, or conservator who made the request for investigation about the process to petition for court review under section 2 of this act.

Sec. 4. RCW 71.05.130 and 1998 c 297 s 7 are each amended to read as follows:

In any judicial proceeding for involuntary commitment or detention except under section 2 of this act, or in any proceeding challenging ~~((such))~~ involuntary commitment or detention, the prosecuting attorney for the county in which the proceeding was initiated shall represent the individuals or agencies petitioning for commitment or detention and shall defend all challenges to such commitment or detention ~~((=PROVIDED))~~, except that the attorney general shall represent and provide legal services and advice to state hospitals or institutions with regard to all provisions of and proceedings under this chapter ~~((except in))~~ other than proceedings initiated by such hospitals and institutions seeking fourteen day detention."

Correct the title.
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator O'Ban moved that the Senate concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 5269.

Senators O'Ban and Hargrove spoke in favor of the motion.

The President Pro Tempore declared the question before the Senate to be the motion by Senator O'Ban that the Senate concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 5269.

The motion by Senator O'Ban carried and the Senate concurred in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 5269 by voice vote.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5269, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5269, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 2; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dassel, Darneille, Ericksen, Fain, Fraser, Frockt, Habib, Hargrove, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Jayapal, Keiser, King, Kohl-Welles, Litzow, McAuliffe, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Schoesler, Sheldon and Warnick

Voting nay: Senators Hasegawa and Roach

Excused: Senators Liias and Rolfe

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5269, as amended by the House, 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.

MESSAGE FROM THE HOUSE

April 13, 2015

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 5631 with the following amendment(s): 5631-S AMH PS H2401.2

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 70.123.010 and 1979 ex.s. c 245 s 1 are each amended to read as follows:

(1) The legislature finds that domestic violence is an issue of ~~((growing))~~ serious concern at all levels of society and government and that there is a ~~((present and growing))~~ pressing need ~~((to develop))~~ for innovative strategies to address and prevent domestic violence and to strengthen services which will ameliorate and reduce the trauma of domestic violence and enhance survivors' resiliency and autonomy. ~~((Research findings show that domestic violence constitutes a significant percentage of homicides, aggravated assaults, and assaults and batteries in the United States. Domestic violence is a disruptive influence on personal and community life and is often interrelated with a number of other family problems and stresses.))~~

(2) The legislature finds that there are a wide range of consequences to domestic violence, including deaths, injuries,

ONE HUNDRED FIRST DAY, APRIL 22, 2015

2015 REGULAR SESSION

hospitalizations, homelessness, employment problems, property damage, and lifelong physical and psychological impacts on victims and their children. These impacts also affect victims' friends and families, neighbors, employers, landlords, law enforcement, the courts, the health care system, and Washington state and society as a whole. Advocacy and shelters for victims of domestic violence are essential to provide ((protection)) support to victims ((from)) in preventing further abuse ((and physical harm)) and to help ((the victim find)) victims assess and plan for their immediate and longer term safety, including finding long-range alternative living situations, if requested. ((Shelters provide safety, refuge, advocacy, and helping resources to victims who may not have access to such things if they remain in abusive situations.

The legislature therefore recognizes the need for the statewide development and expansion of shelters for victims of domestic violence.)

(3) Thus, it is the intent of the legislature to:

(a) Provide for a statewide network of supportive services, emergency shelter services, and advocacy for victims of domestic violence and their dependents;

(b) Provide for culturally relevant and appropriate services for victims of domestic violence and their children from populations that have been traditionally unserved or underserved;

(c) Provide for a statewide domestic violence information and referral resource;

(d) Assist communities in efforts to increase public awareness about, and primary and secondary prevention of domestic violence;

(e) Provide for the collection, analysis, and dissemination of current information related to emerging issues and model and promising practices related to preventing and intervening in situations involving domestic violence; and

(f) Provide for ongoing training and technical assistance for individuals working with victims in community-based domestic violence programs and other persons seeking such training and technical assistance.

Sec. 2. RCW 70.123.020 and 2008 c 6 s 303 are each amended to read as follows:

~~((Unless the context clearly requires otherwise,))~~ The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Shelter" means ~~((a place of temporary refuge, offered on a twenty-four hour, seven-day per week basis))~~ temporary lodging and supportive services, offered by community-based domestic violence programs to victims of domestic violence and their children.

(2) "Domestic violence" ~~((is))~~ means the infliction or threat of physical harm against an intimate partner, and includes physical, sexual, and psychological abuse against the partner, and is a part of a pattern of assaultive, coercive, and controlling behaviors directed at achieving compliance from or control over that intimate partner. It may include, but is not limited to, a categorization of offenses, as defined in RCW 10.99.020, committed by one ~~((cohabitant))~~ intimate partner against another.

(3) "Department" means the department of social and health services.

(4) "Victim" means ~~((a cohabitant))~~ an intimate partner who has been subjected to domestic violence.

(5) ~~((Cohabitant))~~ Intimate partner" means a person who is or was married, in a state registered domestic partnership, or ~~((cohabiting with another person))~~ in an intimate or dating relationship with another person at the present or at sometime in the past. Any person who has one or more children in common with another person, regardless of whether they have been

married, in a domestic partnership with each other, or lived together at any time, shall be treated as ~~((a cohabitant))~~ an intimate partner.

(6) "Community advocate" means a person employed or supervised by a ~~((local))~~ community-based domestic violence program who is trained to provide ongoing assistance ~~((to))~~ and advocacy for victims of domestic violence in assessing and planning for safety needs, ~~((documenting the incidents and the extent of violence for possible use in the legal system,))~~ making appropriate social service, legal, and housing referrals, ~~((and developing protocols and))~~ providing community education, maintaining ~~((ongoing))~~ contacts necessary for prevention efforts, and developing protocols for local systems coordination.

(7) "Domestic violence program" means an agency ~~((that provides shelter, advocacy, and counseling for domestic violence victims in a supportive environment)),~~ organization, or program with a primary purpose and a history of effective work in providing advocacy, safety assessment and planning, and self-help services for domestic violence in a supportive environment, and includes, but is not limited to, a community-based domestic violence program, emergency shelter, or domestic violence transitional housing program.

(8) "Legal advocate" means a person employed by a domestic violence program or court system to advocate for victims of domestic violence, within the criminal and civil justice systems, by attending court proceedings, assisting in document and case preparation, and ensuring linkage with the community advocate.

(9) "Secretary" means the secretary of the department of social and health services or the secretary's designee.

(10) "Community-based domestic violence program" means a nonprofit program or organization that provides, as its primary purpose, assistance and advocacy for domestic violence victims. Domestic violence assistance and advocacy includes crisis intervention, individual and group support, information and referrals, and safety assessment and planning. Domestic violence assistance and advocacy may also include, but is not limited to: Provision of shelter, emergency transportation, self-help services, culturally specific services, legal advocacy, economic advocacy, community education, primary and secondary prevention efforts, and accompaniment and advocacy through medical, legal, immigration, human services, and financial assistance systems. Domestic violence programs that are under the auspices of, or the direct supervision of, a court, law enforcement or prosecution agency, or the child protective services section of the department as defined in RCW 26.44.020, are not considered community-based domestic violence programs.

(11) "Emergency shelter" means a place of supportive services and safe, temporary lodging offered on a twenty-four hour, seven-day per week basis to victims of domestic violence and their children.

(12) "Domestic violence coalition" means a statewide nonprofit domestic violence organization that has a membership that includes the majority of the primary purpose, community-based domestic violence programs in the state, has board membership that is representative of community-based, primary purpose domestic violence programs, and has as its purpose to provide education, support, and technical assistance to such community-based, primary purpose domestic violence programs and to assist the programs in providing shelter, advocacy, supportive services, and prevention efforts for victims of domestic violence and dating violence and their dependents.

Sec. 3. RCW 70.123.030 and 2005 c 374 s 4 are each amended to read as follows:

The department of social and health services, in consultation with ~~((the state department of health, and individuals or groups~~

~~having experience and knowledge of the problems of victims of domestic violence)) relevant state departments, the domestic violence coalition, and individuals or groups having experience and knowledge of the prevention of, and the problems facing victims of domestic violence, including those with experience providing culturally appropriate services to populations that have traditionally been underserved or unserved, shall:~~

~~(1) Develop and maintain a plan for delivering domestic violence victim services, prevention efforts, and access to emergency shelter across the state. In developing the plan under this section, the department shall consider the distribution of community-based domestic violence programs and emergency shelter programs in a particular geographic area, population density, and specific population needs, including the needs in rural and urban areas, the availability and existence of domestic violence outreach and prevention activities, and the need for culturally and linguistically appropriate services. The department shall also develop and maintain a plan for providing a statewide toll-free information and referral hotline or other statewide accessible information and referral service for victims of domestic violence;~~

~~(2) Establish minimum standards for ((shelters)) community-based domestic violence programs, emergency shelter programs, programs providing culturally or linguistically specific services, programs providing prevention and intervention services to children or youth, and programs conducting domestic violence outreach and prevention activities applying for grants from the department under this chapter((- Classifications may be made dependent upon size, geographic location, and population needs));~~

~~((2)) (3) Receive grant applications for the development and establishment of ((shelters for victims of domestic violence)) community-based domestic violence programs, emergency shelter programs, and culturally or linguistically specific services for victims of domestic violence, programs providing prevention and intervention services to children who have been exposed to domestic violence or youth who have been victims of dating violence, and programs conducting domestic violence outreach and prevention activities;~~

~~((3)) (4) Distribute funds((- within forty five days after approval,)) to those ((shelters)) community-based domestic violence programs, emergency shelter programs, programs providing culturally or linguistically specific services, programs providing prevention and intervention services to children or youth, and programs conducting domestic violence outreach and prevention activities meeting departmental standards;~~

~~((4)) (5) Evaluate biennially each ((shelter)) community-based domestic violence program, emergency shelter program, program providing culturally or linguistically specific services, program providing prevention and intervention services to children or youth, and program conducting domestic violence outreach and prevention activities receiving departmental funds for compliance with the established minimum standards;~~

~~((5)) (6) Review the minimum standards each biennium to ensure applicability to community and client needs; ((and~~

~~((6)) (7) Administer funds available from the domestic violence prevention account under RCW 70.123.150 ((and establish minimum standards for preventive, nonshelter community-based services receiving funds administered by the department. Preventive, nonshelter community based services include services for victims of domestic violence from communities that have been traditionally underserved or unserved and services for children who have witnessed domestic violence)) to provide for:~~

~~(a) Culturally specific prevention efforts and culturally appropriate community-based domestic violence services for~~

~~victims of domestic violence from populations that have been traditionally underserved or unserved;~~

~~(b) Age appropriate prevention and intervention services for children who have been exposed to domestic violence or youth who have been victims of dating violence; and~~

~~(c) Outreach and education efforts by community-based domestic violence programs designed to increase public awareness about, and primary and secondary prevention of, domestic and dating violence; and~~

~~(8) Receive applications from, and award grants or issue contracts to, eligible nonprofit groups or organizations with experience and expertise in the field of domestic violence and a statewide perspective for:~~

~~(a) Providing resources, ongoing training opportunities, and technical assistance relating to domestic violence for community-based domestic violence programs across the state to develop effective means for preventing domestic violence and providing effective and supportive services and interventions for victims of domestic violence;~~

~~(b) Providing resource information, technical assistance, and collaborating to develop model policies and protocols to improve the capacity of individuals, governmental entities, and communities to prevent domestic violence and to provide effective, supportive services and interventions to address domestic violence; and~~

~~(c) Providing opportunities to persons working in the area of domestic violence to exchange information and resources.~~

~~Sec. 4. RCW 70.123.040 and 2006 c 259 s 3 are each amended to read as follows:~~

~~(1) The department shall establish minimum standards that ensure that community-based domestic violence programs provide client-centered advocacy and services designed to enhance immediate and longer term safety, victim autonomy, and security by means such as, but not limited to, safety assessment and planning, information and referral, legal advocacy, culturally and linguistically appropriate services, access to shelter, and client confidentiality.~~

~~(2) Minimum standards established by the department under RCW 70.123.030 shall ensure that emergency shelter((s)) programs receiving grants under this chapter provide services meeting basic survival needs, where not provided by other means, such as, but not limited to, food, clothing, housing, ((safety,)) emergency transportation, child care assistance, safety assessment and planning, and security((- client advocacy, client confidentiality, and counseling)). Emergency shelters receiving grants under this chapter shall also provide client-centered advocacy and services designed to enhance client autonomy, client confidentiality, and immediate and longer term safety. These services shall be problem-oriented and designed to provide necessary assistance to the victims of domestic violence and their children.~~

~~((2) The department shall establish minimum standards that ensure that nonshelter community-based services for victims of domestic violence funded under RCW 70.123.150 provide services designed to enhance safety and security by means such as, but not limited to, client advocacy, client confidentiality, and counseling.))~~

~~(3) In establishing minimum standards for programs providing culturally relevant prevention efforts and culturally appropriate services, priority for funding must be given to agencies or organizations that have a demonstrated history and expertise of serving domestic violence victims from the relevant populations that have traditionally been underserved or unserved.~~

~~(4) In establishing minimum standards for age appropriate prevention and intervention services for children who have been exposed to domestic violence, or youth who have been victims of~~

ONE HUNDRED FIRST DAY, APRIL 22, 2015

2015 REGULAR SESSION

dating violence, priority for funding must be given to programs with a documented history of effective work in providing advocacy and services to victims of domestic violence or dating violence, or an agency with a demonstrated history of effective work with children and youth partnered with a domestic violence program.

Sec. 5. RCW 70.123.070 and 1979 ex.s. c 245 s 7 are each amended to read as follows:

~~((Shelters))~~ (1) Community-based domestic violence programs receiving state funds under this chapter shall:

(a) Provide a location to assist victims of domestic violence who have a need for community advocacy or support services;

(b) Make available confidential services, advocacy, and prevention programs to victims of domestic violence and to their children within available resources;

(c) Require that persons employed by or volunteering services for a community-based domestic violence program protect the confidentiality and privacy of domestic violence victims and their families in accordance with this chapter and RCW 5.60.060(8);

(d) Recruit, to the extent feasible, persons who are former victims of domestic violence to work as volunteers or staff personnel. An effort shall also be made to recruit staff and volunteers from relevant communities to provide culturally and linguistically appropriate services;

(e) Ensure that all employees or volunteers providing intervention or prevention programming to domestic violence victims or their children have completed or will complete sufficient training in connection with domestic violence; and

(f) Refrain from engaging in activities that compromise the safety of victims or their children.

(2) Emergency shelter programs receiving state funds under this chapter shall:

~~((1) Make available))~~ (a) Provide intake for and access to safe shelter services to any person who is a victim of domestic violence and to that person's children, within available resources. Priority for emergency shelter shall be made for victims who are in immediate risk of harm or imminent danger from domestic violence;

~~((2) Encourage victims, with the financial means to do so, to reimburse the shelter for the services provided;~~

~~((3))~~ (b) Require that persons employed by or volunteering services for an emergency shelter protect the confidentiality and privacy of domestic violence victims and their families in accordance with this chapter and RCW 5.60.060(8);

(c) Recruit, to the extent feasible, persons who are former victims of domestic violence to work as volunteers or staff personnel. An effort shall also be made to ~~((provide bilingual services))~~ recruit staff and volunteers from relevant communities to provide culturally and linguistically appropriate services;

~~((4) Provide prevention and treatment programs to victims of domestic violence, their children and, where possible, the abuser;~~

~~((5) Provide a day program or drop-in center to assist victims of domestic violence who have found other shelter but who have a need for support services.))~~ (d) Ensure that all employees or volunteers providing intervention or prevention programming to domestic violence victims or their children have completed or will complete sufficient training in connection with domestic violence; and

(e) Refrain from engaging in activities that compromise the safety of victims or their children.

Sec. 6. RCW 70.123.075 and 1994 c 233 s 1 are each amended to read as follows:

(1) Client records maintained by domestic violence programs shall not be subject to discovery in any judicial proceeding unless:

(a) A written pretrial motion is made to a court stating that discovery is requested of the client's domestic violence records;

(b) The written motion is accompanied by an affidavit or affidavits setting forth specifically the reasons why discovery is requested of the domestic violence program's records;

(c) The court reviews the domestic violence program's records in camera to determine whether the domestic violence program's records are relevant and whether the probative value of the records is outweighed by the victim's privacy interest in the confidentiality of such records, taking into account the further trauma that may be inflicted upon the victim or the victim's children by the disclosure of the records; and

(d) The court enters an order stating whether the records or any part of the records are discoverable and setting forth the basis for the court's findings. The court shall further order that the parties are prohibited from further dissemination of the records or parts of the records that are discoverable, and that any portion of any domestic violence program records included in the court file be sealed.

(2) For purposes of this section, "domestic violence program" means a program that provides shelter, advocacy, or counseling services for domestic violence victims.

(3) Disclosure of domestic violence program records is not a waiver of the victim's rights or privileges under statutes, rules of evidence, or common law.

(4) If disclosure of a victim's records is required by court order, the domestic violence program shall make reasonable attempts to provide notice to the recipient affected by the disclosure, and shall take steps necessary to protect the privacy and safety of the persons affected by the disclosure of the information.

Sec. 7. RCW 70.123.080 and 1979 ex.s. c 245 s 8 are each amended to read as follows:

The department shall consult in all phases with key stakeholders in the implementation of this chapter, including relevant state departments, the domestic violence coalition, individuals or groups who have experience providing culturally appropriate services to populations that have traditionally been underserved or unserved, and other persons and organizations having experience and expertise in the field of domestic violence.

Sec. 8. RCW 70.123.090 and 1979 ex.s. c 245 s 9 are each amended to read as follows:

The department is authorized, under this chapter and the rules adopted to effectuate its purposes, to make available grants awarded on a contract basis to public or private nonprofit agencies, organizations, or individuals providing community-based domestic violence services, emergency shelter services, domestic violence hotline or information and referral services, and prevention efforts meeting minimum standards established by the department. Consideration as to need, geographic location, population ratios, the needs of specific underserved and cultural populations, and the extent of existing services shall be made in the award of grants. The department shall provide ~~((technical assistance))~~ consultation to any nonprofit organization desiring to apply for the contracts if the organization does not possess the resources and expertise necessary to develop and transmit an application without assistance.

Sec. 9. RCW 70.123.110 and 2011 1st sp.s. c 36 s 16 are each amended to read as follows:

Aged, blind, or disabled assistance benefits, essential needs and housing support benefits, pregnant women assistance

benefits, or temporary assistance for needy families payments shall be made to otherwise eligible individuals who are residing in a secure shelter, a housing network, an emergency shelter, or other shelter facility which provides shelter services to persons who are victims of domestic violence. Provisions shall be made by the department for the confidentiality of the shelter addresses where victims are residing.

Sec. 10. RCW 70.123.150 and 2005 c 374 s 3 are each amended to read as follows:

The domestic violence prevention account is created in the state treasury. All receipts from fees imposed for deposit in the domestic violence prevention account under RCW 36.18.016 must be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for funding ((nonshelter community-based services for victims of domestic violence)) the following:

(1) Culturally specific prevention efforts and culturally appropriate community-based domestic violence services for victims of domestic violence from populations that have been traditionally underserved or unserved;

(2) Age appropriate prevention and intervention services for children who have been exposed to domestic violence or youth who have been victims of dating violence; and

(3) Outreach and education efforts by community-based domestic violence programs designed to increase public awareness about, and primary and secondary prevention of, domestic and dating violence.

Sec. 11. RCW 36.18.016 and 2009 c 417 s 2 are each amended to read as follows:

(1) Revenue collected under this section is not subject to division under RCW 36.18.025 or 27.24.070.

(2)(a) For the filing of a petition for modification of a decree of dissolution or paternity, within the same case as the original action, and any party filing a counterclaim, cross-claim, or third-party claim in any such action, a fee of thirty-six dollars must be paid.

(b) The party filing the first or initial petition for dissolution, legal separation, or declaration concerning the validity of marriage shall pay, at the time and in addition to the filing fee required under RCW 36.18.020, a fee of ((thirty)) fifty-four dollars. The clerk of the superior court shall transmit monthly ((twenty-four)) forty-eight dollars of the ((thirty)) fifty-four dollar fee collected under this subsection to the state treasury for deposit in the domestic violence prevention account. The remaining six dollars shall be retained by the county for the purpose of supporting community-based domestic violence services within the county ((for victims of domestic violence)), except for five percent of the six dollars, which may be retained by the court for administrative purposes. On or before December 15th of each year, the county shall report to the department of social and health services revenues associated with this section and community-based domestic violence services expenditures. The department of social and health services shall develop a reporting form to be utilized by counties for uniform reporting purposes.

(3)(a) The party making a demand for a jury of six in a civil action shall pay, at the time, a fee of one hundred twenty-five dollars; if the demand is for a jury of twelve, a fee of two hundred fifty dollars. If, after the party demands a jury of six and pays the required fee, any other party to the action requests a jury of twelve, an additional one hundred twenty-five dollar fee will be required of the party demanding the increased number of jurors.

(b) Upon conviction in criminal cases a jury demand charge of one hundred twenty-five dollars for a jury of six, or two hundred fifty dollars for a jury of twelve may be imposed as costs under RCW 10.46.190.

(4) For preparing a certified copy of an instrument on file or of record in the clerk's office, for the first page or portion of the first page, a fee of five dollars, and for each additional page or portion of a page, a fee of one dollar must be charged. For authenticating or exemplifying an instrument, a fee of two dollars for each additional seal affixed must be charged. For preparing a copy of an instrument on file or of record in the clerk's office without a seal, a fee of fifty cents per page must be charged. When copying a document without a seal or file that is in an electronic format, a fee of twenty-five cents per page must be charged. For copies made on a compact disc, an additional fee of twenty dollars for each compact disc must be charged.

(5) For executing a certificate, with or without a seal, a fee of two dollars must be charged.

(6) For a garnishee defendant named in an affidavit for garnishment and for a writ of attachment, a fee of twenty dollars must be charged.

(7) For filing a supplemental proceeding, a fee of twenty dollars must be charged.

(8) For approving a bond, including justification on the bond, in other than civil actions and probate proceedings, a fee of two dollars must be charged.

(9) For the issuance of a certificate of qualification and a certified copy of letters of administration, letters testamentary, or letters of guardianship, there must be a fee of five dollars.

(10) For the preparation of a passport application, the clerk may collect an execution fee as authorized by the federal government.

(11) For clerk's services such as performing historical searches, compiling statistical reports, and conducting exceptional record searches, the clerk may collect a fee not to exceed thirty dollars per hour.

(12) For processing ex parte orders, the clerk may collect a fee of thirty dollars.

(13) For duplicated recordings of court's proceedings there must be a fee of ten dollars for each audio tape and twenty-five dollars for each video tape or other electronic storage medium.

(14) For registration of land titles, Torrens Act, under RCW 65.12.780, a fee of twenty dollars must be charged.

(15) For the issuance of extension of judgment under RCW 6.17.020 and chapter 9.94A RCW, a fee of two hundred dollars must be charged. When the extension of judgment is at the request of the clerk, the two hundred dollar charge may be imposed as court costs under RCW 10.46.190.

(16) A facilitator surcharge of up to twenty dollars must be charged as authorized under RCW 26.12.240.

(17) For filing ((a water rights statement)) an adjudication claim under RCW 90.03.180, a fee of twenty-five dollars must be charged.

(18) For filing a claim of frivolous lien under RCW 60.04.081, a fee of thirty-five dollars must be charged.

(19) For preparation of a change of venue, a fee of twenty dollars must be charged by the originating court in addition to the per page charges in subsection (4) of this section.

(20) A service fee of five dollars for the first page and one dollar for each additional page must be charged for receiving faxed documents, pursuant to Washington state rules of court, general rule 17.

(21) For preparation of clerk's papers under RAP 9.7, a fee of fifty cents per page must be charged.

(22) For copies and reports produced at the local level as permitted by RCW 2.68.020 and supreme court policy, a variable fee must be charged.

(23) Investment service charge and earnings under RCW 36.48.090 must be charged.

ONE HUNDRED FIRST DAY, APRIL 22, 2015

2015 REGULAR SESSION

(24) Costs for nonstatutory services rendered by clerk by authority of local ordinance or policy must be charged.

(25) For filing a request for mandatory arbitration, a filing fee may be assessed against the party filing a statement of arbitrability not to exceed two hundred twenty dollars as established by authority of local ordinance. This charge shall be used solely to offset the cost of the mandatory arbitration program.

(26) For filing a request for trial de novo of an arbitration award, a fee not to exceed two hundred fifty dollars as established by authority of local ordinance must be charged.

(27) A public agency may not charge a fee to a law enforcement agency, for preparation, copying, or mailing of certified copies of the judgment and sentence, information, affidavit of probable cause, and/or the notice of requirement to register, of a sex offender convicted in a Washington court, when such records are necessary for risk assessment, preparation of a case for failure to register, or maintenance of a sex offender's registration file.

(28) For the filing of a will or codicil under the provisions of chapter 11.12 RCW, a fee of twenty dollars must be charged.

(29) For the collection of unpaid legal financial obligations, the clerk may impose an annual fee of up to one hundred dollars, pursuant to RCW 9.94A.780.

(30) A surcharge of up to twenty dollars may be charged in dissolution and legal separation actions as authorized by RCW 26.12.260.

The revenue to counties from the fees established in this section shall be deemed to be complete reimbursement from the state for the state's share of benefits paid to the superior court judges of the state prior to July 24, 2005, and no claim shall lie against the state for such benefits.

Sec. 12. RCW 43.235.020 and 2011 c 105 s 1 are each amended to read as follows:

(1) The department is authorized, subject to the availability of state funds, ((the department shall contract with)) to make available grants awarded on a contract basis to an entity with expertise in domestic violence policy and education and with a statewide perspective to gather and maintain data relating to and coordinate review of domestic violence fatalities.

(2) The coordinating entity shall be authorized to:

- (a) Convene regional review panels;
- (b) Convene statewide issue-specific review panels;
- (c) Gather information for use of regional or statewide issue-specific review panels;
- (d) Provide training and technical assistance to regional or statewide issue-specific review panels;
- (e) Compile information and issue reports with recommendations; and
- (f) Establish a protocol that may be used as a guideline for identifying domestic violence related fatalities, forming review panels, convening reviews, and selecting which cases to review. The coordinating entity may also establish protocols for data collection and preservation of confidentiality.

~~((2))~~ (3)(a) The coordinating entity may convene a regional or statewide issue-specific domestic violence fatality review panel to review any domestic violence fatality.

(b) Private citizens may request a review of a particular death by submitting a written request to the coordinating entity within two years of the death. Of these, the appropriate regional review panel may review those cases which fit the criteria set forth in the protocol for the project.

Sec. 13. RCW 43.235.040 and 2012 c 223 s 6 are each amended to read as follows:

(1) An oral or written communication or a document shared with the coordinating entity or within or produced by a domestic violence fatality review panel related to a domestic violence fatality review is confidential and not subject to disclosure or discoverable by a third party. An oral or written communication or a document provided by a third party to the coordinating entity or a domestic violence fatality review panel, or between a third party and a domestic violence fatality review panel, related to a domestic violence fatality review is confidential and not subject to disclosure or discovery by a third party. Notwithstanding the foregoing, recommendations from the domestic violence fatality review panel and the coordinating entity generally may be disclosed minus personal identifiers.

(2) The coordinating entity and review panels, only to the extent otherwise permitted by law or court rule, shall have access to information and records regarding the domestic violence victims and perpetrators under review held by domestic violence perpetrators' treatment providers; dental care providers; hospitals, medical providers, and pathologists; coroners and medical examiners; mental health providers; lawyers; the state and local governments; the courts; and employers. The coordinating entity and the review panels shall maintain the confidentiality of such information to the extent required by any applicable law.

(3) The coordinating entity or review panels shall review, only to the extent otherwise permitted by law or court rule when determined to be relevant and necessary to an investigation, guardian ad litem reports, parenting evaluations, and victim impact statements; probation information; mental health evaluations done for court; presentence interviews and reports, and any recommendations made regarding bail and release on own recognizance; child protection services, welfare, and other information held by the department; any law enforcement incident documentation, such as incident reports, dispatch records, victim, witness, and suspect statements, and any supplemental reports, probable cause statements, and 911 call taker's reports; corrections and postsentence supervision reports; and any other information determined to be relevant to the review. The coordinating entity and the review panels shall maintain the confidentiality of such information to the extent required by any applicable law.

Sec. 14. RCW 10.99.080 and 2004 c 15 s 2 are each amended to read as follows:

(1) All superior courts, and courts organized under Title 3 or 35 RCW, may impose a penalty of one hundred dollars, plus an additional fifteen dollars on any person convicted of a crime involving domestic violence; in no case shall a penalty assessment ((not to)) exceed one hundred fifteen dollars on any person convicted of a crime involving domestic violence. The assessment shall be in addition to, and shall not supersede, any other penalty, restitution, fines, or costs provided by law.

(2) Revenue from the:

(a) One hundred dollar assessment shall be used solely for the purposes of establishing and funding domestic violence advocacy and domestic violence prevention and prosecution programs in the city or county of the court imposing the assessment. Such revenue from the assessment shall not be used for indigent criminal defense. If the city or county does not have domestic violence advocacy or domestic violence prevention and prosecution programs, cities and counties may use the revenue collected from the assessment to contract with recognized community-based domestic violence program providers.

(b) Fifteen dollar assessment must be remitted monthly to the state treasury for deposit in the domestic violence prevention account.

(3) The one hundred dollar assessment imposed under this section shall not be subject to any state or local remittance requirements under chapter 3.46, 3.50, 3.62, 7.68, 10.82, or 35.20 RCW.

(4) For the purposes of this section, "convicted" includes a plea of guilty, a finding of guilt regardless of whether the imposition of the sentence is deferred or any part of the penalty is suspended, or the levying of a fine. For the purposes of this section, "domestic violence" has the same meaning as that term is defined under RCW 10.99.020 and includes violations of equivalent local ordinances.

(5) When determining whether to impose a penalty assessment under this section, judges are encouraged to solicit input from the victim or representatives for the victim in assessing the ability of the convicted offender to pay the penalty, including information regarding current financial obligations, family circumstances, and ongoing restitution.

Sec. 15. RCW 26.50.110 and 2013 c 84 s 31 are each amended to read as follows:

(1)(a) Whenever an order is granted under this chapter, chapter 7.92, 7.90, 9A.46, 9.94A, 10.99, 26.09, 26.10, 26.26, or 74.34 RCW, or there is a valid foreign protection order as defined in RCW 26.52.020, and the respondent or person to be restrained knows of the order, a violation of any of the following provisions of the order is a gross misdemeanor, except as provided in subsections (4) and (5) of this section:

(i) The restraint provisions prohibiting acts or threats of violence against, or stalking of, a protected party, or restraint provisions prohibiting contact with a protected party;

(ii) A provision excluding the person from a residence, workplace, school, or day care;

(iii) A provision prohibiting a person from knowingly coming within, or knowingly remaining within, a specified distance of a location;

(iv) A provision prohibiting interfering with the protected party's efforts to remove a pet owned, possessed, leased, kept, or held by the petitioner, respondent, or a minor child residing with either the petitioner or the respondent; or

(v) A provision of a foreign protection order specifically indicating that a violation will be a crime.

(b) Upon conviction, and in addition to any other penalties provided by law, the court:

(i) May require that the respondent submit to electronic monitoring. The court shall specify who shall provide the electronic monitoring services, and the terms under which the monitoring shall be performed. The order also may include a requirement that the respondent pay the costs of the monitoring. The court shall consider the ability of the convicted person to pay for electronic monitoring.

(ii) Shall impose a fine of fifteen dollars, in addition to any penalty or fine imposed, for a violation of a domestic violence protection order issued under this chapter. Revenue from the fifteen dollar fine must be remitted monthly to the state treasury for deposit in the domestic violence prevention account.

(2) A peace officer shall arrest without a warrant and take into custody a person whom the peace officer has probable cause to believe has violated an order issued under this chapter, chapter 7.92, 7.90, 9A.46, 9.94A, 10.99, 26.09, 26.10, 26.26, or 74.34 RCW, or a valid foreign protection order as defined in RCW 26.52.020, that restrains the person or excludes the person from a residence, workplace, school, or day care, or prohibits the person from knowingly coming within, or knowingly remaining within, a specified distance of a location, if the person restrained knows of the order. Presence of the order in the law enforcement computer-based criminal intelligence information system is not the only means of establishing knowledge of the order.

(3) A violation of an order issued under this chapter, chapter 7.92, 7.90, 9A.46, 9.94A, 10.99, 26.09, 26.10, 26.26, or 74.34 RCW, or of a valid foreign protection order as defined in RCW 26.52.020, shall also constitute contempt of court, and is subject to the penalties prescribed by law.

(4) Any assault that is a violation of an order issued under this chapter, chapter 7.92, 7.90, 9A.46, 9.94A, 10.99, 26.09, 26.10, 26.26, or 74.34 RCW, or of a valid foreign protection order as defined in RCW 26.52.020, and that does not amount to assault in the first or second degree under RCW 9A.36.011 or 9A.36.021 is a class C felony, and any conduct in violation of such an order that is reckless and creates a substantial risk of death or serious physical injury to another person is a class C felony.

(5) A violation of a court order issued under this chapter, chapter 7.92, 7.90, 9A.46, 9.94A, 10.99, 26.09, 26.10, 26.26, or 74.34 RCW, or of a valid foreign protection order as defined in RCW 26.52.020, is a class C felony if the offender has at least two previous convictions for violating the provisions of an order issued under this chapter, chapter 7.90, 9A.46, 9.94A, 10.99, 26.09, 26.10, 26.26, or 74.34 RCW, or a valid foreign protection order as defined in RCW 26.52.020. The previous convictions may involve the same victim or other victims specifically protected by the orders the offender violated.

(6) Upon the filing of an affidavit by the petitioner or any peace officer alleging that the respondent has violated an order granted under this chapter, chapter 7.92, 7.90, 9A.46, 9.94A, 10.99, 26.09, 26.10, 26.26, or 74.34 RCW, or a valid foreign protection order as defined in RCW 26.52.020, the court may issue an order to the respondent, requiring the respondent to appear and show cause within fourteen days why the respondent should not be found in contempt of court and punished accordingly. The hearing may be held in the court of any county or municipality in which the petitioner or respondent temporarily or permanently resides at the time of the alleged violation.

NEW SECTION. Sec. 16. The following acts or parts of acts are each repealed:

(1)RCW 70.123.050 (Contracts with nonprofit organizations—Purposes) and 1979 ex.s. c 245 s 5; and

(2)RCW 70.123.130 (Technical assistance grant program—Local communities) and 1991 c 301 s 11."

Correct the title.
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Hargrove moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5631.

The President Pro Tempore declared the question before the Senate to be the motion by Senator Hargrove that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5631.

The motion by Senator Hargrove carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5631 by voice vote.

Senators Hargrove and O'Ban spoke on final passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5631, as amended by the House.

ROLL CALL

ONE HUNDRED FIRST DAY, APRIL 22, 2015

2015 REGULAR SESSION

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5631, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Ericksen, Fain, Fraser, Frockt, Habib, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Jayapal, Keiser, King, Kohl-Welles, Litzow, McAuliffe, McCoy, Miloscia, Mullet, Nelson, O'Ban, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Schoesler, Sheldon and Warnick

Voting nay: Senator Padden

Excused: Senators Lias and Rolfes

SUBSTITUTE SENATE BILL NO. 5631, as amended by the House, 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.

MESSAGE FROM THE HOUSE

April 22, 2015

MR. PRESIDENT:

The House insists on its position regarding the House amendment(s) to ENGROSSED SENATE BILL NO. 5616 and asks the Senate to recede therefrom. and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Benton moved that the Senate recede from its position to Engrossed Senate Bill No. 5616.

On motion of Senator Benton, Senator Benton withdrew the motion that the senate recede from its position to Engrossed Senate Bill No. 5616.

MOTION

Senator Benton moved that the Senate concur in the House amendment(s) to Engrossed Senate Bill No. 5616.

Senator Benton spoke in favor of the motion.

The President Pro Tempore declared the question before the Senate to be the motion by Senator Benton that the Senate concur in the House amendment(s) to Engrossed Senate Bill No. 5616.

The motion by Senator Benton carried and the Senate concurred in the House amendment(s) to Engrossed Senate Bill No. 5616 by voice vote.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5616, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5616, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Ericksen, Fain, Fraser, Habib,

Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Jayapal, Keiser, King, Kohl-Welles, Litzow, McAuliffe, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Schoesler, Sheldon and Warnick

Voting nay: Senator Frockt

Excused: Senators Lias and Rolfes

ENGROSSED SENATE BILL NO. 5616, as amended by the House, 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.

MESSAGE FROM THE HOUSE

April 22, 2015

MR. PRESIDENT:

The House insists on its position regarding the House amendment(s) to SUBSTITUTE SENATE BILL NO. 5679 and asks the Senate to recede therefrom. and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator McAuliffe moved that the Senate refuse to concur and insist on its position on the House amendment(s) to Substitute Senate Bill No. 5679 and ask the House to recede therefrom.

The President Pro Tempore declared the question before the Senate to be motion by Senator McAuliffe that the Senate refuse to concur and insist on its position on the House amendment(s) to Substitute Senate Bill No. 5679 and ask the House to recede therefrom.

The motion by Senator McAuliffe carried and the Senate refused to concur and insisted on its position in the House amendment(s) to Substitute Senate Bill No. 5679 and asked the House to recede therefrom by voice vote.

MESSAGE FROM THE HOUSE

April 21, 2015

MR. PRESIDENT:

The House insists on its position regarding the House amendment(s) to ENGROSSED SUBSTITUTE SENATE BILL NO. 5843 and asks the Senate to recede therefrom. and the same is herewith transmitted.

BERNARD DEAN, Deputy Chief Clerk

MOTION

Senator Pearson moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5843.

Senators Pearson and Hatfield spoke in favor of the motion.

The President Pro Tempore declared the question before the Senate to be the motion by Senator Pearson that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5843.

The motion by Senator Pearson carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 5843 by voice vote.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5843, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5843, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 38; Nays, 9; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Baumgartner, Becker, Benton, Billig, Braun, Chase, Cleveland, Conway, Dammeier, Darneille, Fain, Fraser, Frockt, Habib, Hargrove, Hasegawa, Hatfield, Hill, Hobbs, Jayapal, Keiser, King, Kohl-Welles, Litzow, McAuliffe, McCoy, Miloscia, Mullet, Nelson, O'Ban, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach and Warnick

Voting nay: Senators Bailey, Brown, Dansel, Ericksen, Hewitt, Honeyford, Padden, Schoesler and Sheldon

Excused: Senators Liias and Rolfes

ENGROSSED SUBSTITUTE SENATE BILL NO. 5843, as amended by the House, 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.

MESSAGE FROM THE HOUSE

April 22, 2015

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to HOUSE BILL NO. 1550 and asks the Senate to recede therefrom. and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Hill moved that the Senate recede from its position on House Bill No. 1550 and pass the bill without the Senate amendment(s).

Senators Hill, Ranker, Hargrove and Hasegawa spoke in favor of passage of the motion.

POINT OF ORDER

Senator Hasegawa: "Madam President, I can't see you. I'm trying to talk to you."

RULING BY THE PRESIDENT

President Pro Tempore Roach: "Excuse me. I missed my opportunity to gavel Senator Ranker." [Gavel sounds repeatedly. Laughter.]

Senators Honeyford, Hobbs, Padden and Darneille spoke against passage of the motion.

The President Pro Tempore declared the question before the Senate to be motion by Senator Hill that the Senate recede from its position on House Bill No. 1550 and pass the bill without Senate amendment(s).

The motion by Senator Hill carried and the Senate receded from its position on House Bill No. 1550 and passed the bill without the Senate amendment(s) by voice vote.

The President Pro Tempore declared the question before the Senate to be the final passage of House Bill No. 1550 without the Senate amendment(s).

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1550, without the Senate amendment(s), and the bill passed the Senate by the following vote: Yeas, 38; Nays, 9; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Chase, Cleveland, Conway, Dammeier, Ericksen, Fain, Fraser, Frockt, Habib, Hargrove, Hatfield, Hill, Hobbs, Jayapal, Keiser, King, Kohl-Welles, Litzow, McAuliffe, McCoy, Miloscia, Mullet, Nelson, O'Ban, Parlette, Pearson, Pedersen, Ranker, Rivers, Schoesler, Sheldon and Warnick

Voting nay: Senators Benton, Brown, Dansel, Darneille, Hasegawa, Hewitt, Honeyford, Padden and Roach

Excused: Senators Liias and Rolfes

HOUSE BILL NO. 1550, without the Senate amendment(s), 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 4:39 p.m., on motion of Senator Fain, the Senate adjourned until 11:00 o'clock a.m. Thursday, April 23, 2015.

BRAD OWEN, President of the Senate

HUNTER G. GOODMAN, Secretary of the Senate

1550	Final Passage	34	President Signed.....	4
	Messages	34	5785-SE	
	Other Action	34	President Signed.....	4
2217			5826-SE	
	Messages	6	President Signed.....	4
4401			5843-SE	
	Committee Report	1	Final Passage as amended by House	34
5048-SE			Messages	33
	President Signed	4	Other Action	33
5153-E			8634	
	Other Action	7	Adopted.....	2
5154-S			Introduced	2
	Final Passage as amended by House	25	8666	
	Messages	8	Adopted.....	5
	Other Action	25	Introduced	5
5158-SE			8672	
	President Signed	4	Adopted.....	1
5203			Introduced	1
	President Signed	4	8673	
5262-E			Adopted.....	2
	President Signed	4	Introduced	2
5269-S2E			8674	
	Final Passage as amended by House	26	Adopted.....	3
	Messages	25	Introduced	2
	Other Action	26	8676	
5387			Adopted.....	3
	President Signed	4	Introduced	3
5498-SE			8677	
	President Signed	4	Adopted.....	4
5593-S			Introduced	3
	President Signed	4	8678	
5603			Adopted.....	4
	President Signed	4	Introduced	4
5616-E			PAGES	
	Final Passage as amended by House	33	Bignall, Miss Allison	1
	Messages	33	Richter, Mr. Alexander	1
	Other Action	33	PRESIDENT OF THE SENATE	
5631-S			Intro. Special Guest, Henderson, Mrs. Bonita Bonnie, Senate	
	Final Passage as amended by House	33	Page Mom.....	5
	Messages	26	Intro. Special Guests, Federal Way High School Eagles Boys'	
	Other Action	32	Basketball Team	1
5679-S			Intro. Special Guests, Henderson, Mrs. Bonnie, Jerry, family	
	Messages	33	and friends	5
	Other Action	33	PRESIDENT OF THE SENATE(Senator Roach presiding)	
5693			Remarks by the President Pro Tempore	7
	Messages	6	Ruling by the President Pro Tempore	7, 34
5721-S			WASHINGTON STATE SENATE	
	Final Passage as amended by House	7	Point of Order, Senator Billig	7
	Messages	6	Point of Order, Senator Hasegawa	34
	Other Action	7	Point of Order, Senator Padden.....	7
5733-S			Point of Order, Senator Schoesler	7