

the act or the application of the provision to other persons or circumstances is not affected.

Passed the Senate April 26, 1981.

Passed the House April 22, 1981.

Approved by the Governor May 18, 1981.

Filed in Office of Secretary of State May 18, 1981.

CHAPTER 266

[Senate Bill No. 3191]

JUVENILE COMMUNITY SERVICE WORKERS—INSURANCE AND INDUSTRIAL INSURANCE COVERAGE

AN ACT Relating to juvenile community service workers; amending section 1, chapter 20, Laws of 1971 as last amended by section 17, chapter 350, Laws of 1977 ex. sess. and RCW 51.12.035; adding a new section to chapter 291, Laws of 1977 ex. sess. and to chapter 13.40 RCW; and adding a new section to chapter 51.12 RCW.

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

NEW SECTION. Section 1. There is added to chapter 51.12 RCW a new section to read as follows:

Juveniles performing community services under chapter 13.40 RCW may be deemed employees and/or workers for all purposes relating to medical aid benefits under chapter 51.36 RCW at the option of the county under whose authorization the services are performed. Any premiums or assessments due under this title for community services work shall be the obligation of and be paid for by the county in which the juvenile performed the community services from the fund created in section 2(2) of this act or from any other source. Coverage under this section commences when a county has given notice to the director that it wishes to cover juveniles performing community services before the occurrence of an injury or contraction of an occupational disease.

NEW SECTION. Sec. 2. There is added to chapter 291, Laws of 1977 ex. sess. and to chapter 13.40 RCW a new section to read as follows:

(1) The legislative authority of a county may purchase liability insurance in an amount it deems reasonable to protect the county, its officers, and employees against liability for the wrongful acts of a juvenile, or injury or damage incurred by a juvenile, in the course of community service agreed to or ordered under chapter 13.40 RCW, and may elect to treat juveniles as employees and/or workers for all purposes relating to medical aid benefits under chapter 51.36 RCW.

(2) The legislative authority of any county desiring to purchase insurance or electing to treat juveniles as employees and/or workers under this section may, by ordinance, establish a cumulative reserve fund to be used for purchasing and maintaining insurance and industrial insurance coverage. The fund shall be known as the community service insurance fund and

shall be administered by the county treasurer. Only moneys from fines imposed upon juveniles sentenced under chapter 13.40 RCW may be deposited in the fund. Moneys may be transferred to the fund from the county's current expense fund to provide initial moneys for the community service insurance fund. Moneys from fines which are deposited in the community service insurance fund and which are in excess of those funds necessary to pay the required insurance premiums may be used to replace the moneys transferred from the current expense fund to provide initial moneys for the community service insurance fund.

Sec. 3. Section 1, chapter 20, Laws of 1971 as last amended by section 17, chapter 350, Laws of 1977 ex. sess. and RCW 51.12.035 are each amended to read as follows:

(1) Volunteers shall be deemed employees and/or workers, as the case may be, for all purposes relating to medical aid benefits under chapter 51.36 RCW.

A "volunteer" shall mean a person who performs any assigned or authorized duties for the state or any agency thereof, except emergency services workers as described by chapter 38.52 RCW, brought about by one's own free choice, receives no wages, and is registered and accepted as a volunteer by the state or any agency thereof, prior to the occurrence of the injury or the contraction of an occupational disease, for the purpose of engaging in authorized volunteer service: PROVIDED, That such person shall be deemed to be a volunteer although he or she may be granted maintenance and reimbursement for actual expenses necessarily incurred in performing his or her assigned or authorized duties.

Any and all premiums or assessments due under this title on account of such volunteer service shall be the obligation of and be paid by the state or any agency thereof which has registered and accepted the services of volunteers.

(2) Volunteers may be deemed employees and/or workers, as the case may be, for all purposes relating to medical aid benefits under chapter 51.36 RCW at the option of any city, county, town, special district, municipal corporation, or political subdivision of any type, or any private nonprofit charitable organization, when any such unit of local government or any such nonprofit organization has given notice of covering all of its volunteers to the director prior to the occurrence of the injury or contraction of an occupational disease.

A "volunteer" shall mean a person who performs any assigned or authorized duties for any such unit of local government, or any such organization, except emergency services workers as described by chapter 38.52 RCW, or fire fighters covered by chapter 41.24 RCW, brought about by one's own free choice, receives no wages, and is registered and accepted as a volunteer by any such unit of local government, or any such organization

which has given such notice, for the purpose of engaging in authorized volunteer services: PROVIDED, That such person shall be deemed to be a volunteer although he or she may be granted maintenance and reimbursement for actual expenses necessarily incurred in performing his or her assigned or authorized duties; PROVIDED FURTHER, That juveniles performing community services under chapter 13.40 RCW may not be granted coverage as volunteers under this section.

Any and all premiums or assessments due under this title on account of such volunteer service for any such unit of local government, or any such organization shall be the obligation of and be paid by such organization which has registered and accepted the services of volunteers and exercised its option to secure the medical aid benefits under chapter 51.36 RCW for such volunteers.

Passed the Senate February 20, 1981.

Passed the House April 22, 1981.

Approved by the Governor May 18, 1981.

Filed in Office of Secretary of State May 18, 1981.

CHAPTER 267

[Substitute Senate Bill No. 3342]

MALICIOUS HARASSMENT

AN ACT Relating to malicious harassment; adding a new section to chapter 9A.36 RCW; defining crimes; and providing penalties.

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

NEW SECTION. Section 1. There is added to chapter 9A.36 RCW a new section to read as follows:

(1) A person is guilty of malicious harassment if he maliciously and with the intent to intimidate or harass another person because of that person's race, color, religion, ancestry, or national origin:

- (a) Causes physical injury to another person; or
- (b) By words or conduct places another person in reasonable fear of harm to his person or property or harm to the person or property of a third person; or
- (c) Causes physical damage to or destruction of the property of another person.

(2) Malicious harassment is a class C felony.

(3) In addition to the criminal penalty provided in subsection (2) of this section, there is hereby created a civil cause of action for malicious harassment. A person may be liable to the victim of malicious harassment for actual damages and punitive damages of up to ten thousand dollars.