

## SIXTY SEVENTH LEGISLATURE - REGULAR SESSION

## THIRTY FOURTH DAY

House Chamber, Olympia, Saturday, February 12, 2022

The House was called to order at 8:30 a.m. by the Speaker (Representative Bronoske presiding). The Clerk called the roll and a quorum was present.

The Speaker (Representative Bronoske presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by House Counsel Ohad Lowy.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

There being no objection, the House advanced to the third order of business.

## MESSAGE FROM THE SENATE

February 11, 2022

Mme. SPEAKER:

The Senate has passed:

SECOND SUBSTITUTE SENATE BILL NO. 5406,  
SUBSTITUTE SENATE BILL NO. 5528,  
SUBSTITUTE SENATE BILL NO. 5638,  
SECOND SUBSTITUTE SENATE BILL NO. 5692,  
SECOND SUBSTITUTE SENATE BILL NO. 5736,  
SECOND SUBSTITUTE SENATE BILL NO. 5746,  
SENATE BILL NO. 5781,  
SUBSTITUTE SENATE BILL NO. 5785,  
SECOND SUBSTITUTE SENATE BILL NO. 5789,  
SENATE BILL NO. 5801,  
SUBSTITUTE SENATE BILL NO. 5814,  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO.  
5842,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5853,  
SENATE BILL NO. 5875,  
SUBSTITUTE SENATE BILL NO. 5907,  
SUBSTITUTE SENATE BILL NO. 5912,

and the same are herewith transmitted.

Sarah Bannister, Secretary

There being no objection, the House advanced to the fourth order of business.

## INTRODUCTION &amp; FIRST READING

ESB 5054 by Senators Padden, Frockt, Conway, McCune and Short

AN ACT Relating to impaired driving; amending RCW 46.61.502, 46.61.5055, 46.61.5055, 46.61.504, and 9.94A.525; prescribing penalties; providing and effective date; and providing an expiration date.

Referred to Committee on Appropriations.

ESSB 5078 by Senate Committee on Law & Justice (originally sponsored by Liias, Kuderer, Darneille, Hunt, Nguyen, Pedersen, Wilson, C. and Lovelett)

AN ACT Relating to establishing firearms-related safety measures to increase public safety by prohibiting the manufacture, possession, distribution, importation, selling, offering for sale, purchasing, or transfer of large capacity magazines, by allowing continued possession of large capacity magazines limited to possession prior to, and inheritance on or after, the effective date of this act, subject to certain restrictions on the ability to sell or transfer such large capacity magazines and permitting their possession only on the owner's property or while engaged in lawful outdoor recreational activities or use at a licensed shooting range, or when transporting the large capacity magazine to or from these locations, and by providing limited exemptions applicable to certain government officers, agents, employees, or contractors, law enforcement and corrections officers and military members, licensed firearms manufacturers, dealers, and gunsmiths, and persons engaged in sport shooting or permanently relinquishing a large capacity magazine to law enforcement; amending RCW 9.41.010; adding a new section to chapter 9.41 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Civil Rights & Judiciary.

ESSB 5082 by Senate Committee on Ways & Means (originally sponsored by Fortunato, Hunt and Kuderer)

AN ACT Relating to reestablishing the productivity board; amending RCW 41.60.020, 41.60.041, 41.60.050, 41.60.120, and 41.60.150; and reenacting and amending RCW 41.60.015.

Referred to Committee on State Government & Tribal Relations.

SSB 5252 by Senate Committee on Early Learning & K-12 Education (originally sponsored by Wellman, Hasegawa, Conway, Das, Hunt, Kuderer, Liias, Nguyen, Nobles, Saldaña, Stanford and Wilson, C.)

AN ACT Relating to school district consultation with local tribes; amending RCW 28A.345.070; and adding a new section to chapter 28A.300 RCW.

Referred to Committee on Appropriations.

SB 5487 by Senators Hawkins, Pedersen, Braun, Frockt, Hasegawa, Hunt, Keiser, Mullet, Nobles and Wagoner

AN ACT Relating to small school district consolidation incentives for infrastructure enhancement and modernization; amending RCW 28A.525.166; adding a new section to chapter 28A.315 RCW; and making an appropriation.

Referred to Committee on Capital Budget.

ESSB 5531 by Senate Committee on Ways & Means (originally sponsored by Pedersen, Wilson, L. and Mullet)

AN ACT Relating to the revised uniform unclaimed property act; adding a new chapter to Title 63 RCW; creating a new section; repealing RCW 63.29.010, 63.29.020, 63.29.030, 63.29.040, 63.29.050, 63.29.060, 63.29.070, 63.29.080, 63.29.090, 63.29.100, 63.29.110, 63.29.120, 63.29.130, 63.29.133, 63.29.135, 63.29.140, 63.29.150, 63.29.160, 63.29.165, 63.29.170, 63.29.180, 63.29.190, 63.29.192, 63.29.193, 63.29.194, 63.29.195, 63.29.200, 63.29.210, 63.29.220, 63.29.230, 63.29.240, 63.29.250, 63.29.260, 63.29.270, 63.29.280, 63.29.290, 63.29.300, 63.29.310, 63.29.320, 63.29.330, 63.29.340, 63.29.350, 63.29.360, 63.29.370, 63.29.380, 63.29.900, 63.29.902, 63.29.903, 63.29.905, and 63.29.906; prescribing penalties; and providing an effective date.

Referred to Committee on Civil Rights & Judiciary.

2SSB 5532 by Senate Committee on Ways & Means (originally sponsored by Keiser, Robinson, Conway, Hasegawa, Nobles, Pedersen, Randall, Stanford and Wilson, C.)

AN ACT Relating to establishing a prescription drug affordability board; amending RCW 43.71C.100; adding a new section to chapter 48.43 RCW; and adding a new chapter to Title 70 RCW.

Referred to Committee on Appropriations.

SB 5539 by Senators Hunt and Wilson, C.

AN ACT Relating to state funding for educational service districts; and adding a new section to chapter 28A.310 RCW.

Referred to Committee on Appropriations.

ESSB 5544 by Senate Committee on Environment, Energy & Technology (originally sponsored by Brown, Dozier, Frockt, Hasegawa, Mullet, Rolfes, Short, Wagoner, Wellman and Wilson, L.)

AN ACT Relating to establishing the Washington blockchain work group; creating a new section; and providing an expiration date.

Referred to Committee on Community & Economic Development.

SSB 5555 by Senate Committee on State Government & Elections (originally sponsored by Van De Wege, Hunt, Mullet and Randall)

AN ACT Relating to public safety telecommunicators; amending RCW 38.52.520; and adding a new chapter to Title 38 RCW.

Referred to Committee on Community & Economic Development.

SSB 5581 by Senate Committee on Ways & Means (originally sponsored by Wellman, Nobles, Conway, Das, Nguyen, Saldaña and Wilson, C.)

AN ACT Relating to pupil transportation allocations; amending RCW 28A.160.117, 28A.160.150, 28A.160.160, 28A.160.170, 28A.160.180, and 28A.160.190; and adding a new section to chapter 28A.160 RCW.

Referred to Committee on Appropriations.

E2SSB 5597 by Senate Committee on Ways & Means (originally sponsored by Saldaña, Hunt, Conway, Das, Dhingra, Frockt, Hasegawa, Kuderer, Liias, Lovelett, Nguyen, Nobles, Pedersen, Stanford and Wilson, C.)

AN ACT Relating to the Washington voting rights act; amending RCW 29A.92.020, 29A.92.030, 29A.92.060, 29A.92.090, 29A.92.110, 29A.92.070, 29A.92.080, 29A.92.130, 36.32.010, 36.32.020, 36.32.030, and 29A.92.010; adding new sections to chapter 29A.92 RCW; and providing an effective date.

Referred to Committee on Appropriations.

2SSB 5619 by Senate Committee on Ways & Means (originally sponsored by Lovelett, Conway, Das, Hasegawa, Nobles, Pedersen, Randall, Rolfes, Saldaña, Stanford, Van De Wege and Wilson, C.)

AN ACT Relating to conserving and restoring kelp forests and eelgrass meadows in Washington state; adding a new section to chapter 79.135 RCW; and creating new sections.

Referred to Committee on Appropriations.

ESSB 5628 by Senate Committee on Law & Justice (originally sponsored by Dhingra, Frockt, Kuderer, Stanford, Trudeau, Wellman and Wilson, C.)

AN ACT Relating to cyber harassment, addressing concerns in the case of Rynearson v. Ferguson, and adding a crime of cyberstalking; amending RCW

9.61.260, 9A.90.030, 40.24.030, 7.77.170, 7.92.020, 7.105.010, 7.105.310, 9.94A.030, 9A.46.060, 9A.46.060, 26.50.060, and 26.50.070; reenacting and amending RCW 9.94A.030; adding new sections to chapter 9A.90 RCW; recodifying RCW 9.61.260; prescribing penalties; providing an effective date; and providing an expiration date.

Referred to Committee on Public Safety.

2SSB 5664 by Senate Committee on Ways & Means (originally sponsored by Dhingra, Keiser and Nobles)

AN ACT Relating to forensic competency restoration programs; amending RCW 10.77.060, 10.77.068, 10.77.086, 10.77.088, 10.77.220, and 10.77.250; reenacting and amending RCW 10.77.010; and adding new sections to chapter 10.77 RCW.

Referred to Committee on Appropriations.

SB 5687 by Senators Wilson, C., Lias, Billig, Das, Nguyen, Pedersen, Saldaña and Stanford

AN ACT Relating to certain traffic safety improvements; amending RCW 46.61.415, 46.61.405, 46.63.170, and 46.63.170; reenacting and amending RCW 46.61.250; providing an effective date; and providing an expiration date.

Referred to Committee on Transportation.

ESSB 5690 by Senate Committee on Law & Justice (originally sponsored by Gildon, Nobles, Conway, Honeyford, McCune, Mullet, Padden, Randall, Rivers, Van De Wege and Wagoner)

AN ACT Relating to firearms on the capitol campus for the sole purpose of organized memorial events; and amending RCW 9.41.305.

Referred to Committee on Civil Rights & Judiciary.

SB 5713 by Senators Das, Lias, Nobles, Robinson, Saldaña and Wellman

AN ACT Relating to providing a property tax exemption for limited equity cooperative housing; adding a new section to chapter 84.36 RCW; creating new sections; and providing an expiration date.

Referred to Committee on Finance.

2SSB 5720 by Senate Committee on Ways & Means (originally sponsored by Mullet, Frockt, Gildon, Nguyen, Nobles and Randall)

AN ACT Relating to student financial literacy education; amending RCW 28A.300.460; adding a new section to chapter 28A.300 RCW; and providing an expiration date.

Referred to Committee on Appropriations.

SSB 5741 by Senate Committee on Transportation (originally sponsored by Lovick, Pedersen, Conway, Nobles, Saldaña, Wellman and Wilson, C.)

AN ACT Relating to creating Patches pal special license plates; reenacting and amending RCW 46.17.220, 46.18.200, and 46.68.420; adding a new section to chapter 46.04 RCW; and providing an effective date.

Referred to Committee on Transportation.

SB 5747 by Senators Stanford, Muzzall, Frockt, Nobles and Wilson, C.

AN ACT Relating to the statewide master oil and hazardous substance spill prevention and contingency plan; and amending RCW 90.56.060.

Referred to Committee on Environment & Energy.

SB 5748 by Senators Schoesler, Brown, Conway, Dozier, Hasegawa, Holy, Honeyford, Hunt, Lovick, Robinson and Short

AN ACT Relating to disability benefits in the public safety employees' retirement system; and amending RCW 41.37.230.

Referred to Committee on Appropriations.

ESSB 5761 by Senate Committee on Labor, Commerce & Tribal Affairs (originally sponsored by Randall, Keiser, Nguyen, Nobles, Saldaña, Stanford, Wellman and Wilson, C.)

AN ACT Relating to employer requirements for providing wage and salary information to applicants for employment; and amending RCW 49.58.110.

Referred to Committee on Labor & Workplace Standards.

E2SSB 5764 by Senate Committee on Ways & Means (originally sponsored by Randall, Sheldon, Conway, Das, Hasegawa, Keiser, Kuderer, Lias, Nguyen, Nobles, Saldaña, Wellman, Wilson, C. and Wilson, J.)

AN ACT Relating to apprenticeships and higher education; amending RCW 28B.92.030; adding a new chapter to Title 28B RCW; and providing an expiration date.

Referred to Committee on Appropriations.

2SSB 5793 by Senate Committee on Ways & Means (originally sponsored by Wilson, C., Trudeau,

Das, Dhingra, Hasegawa, Lovelett, Nguyen, Nobles and Saldaña)

AN ACT Relating to allowing compensation for lived experience on boards, commissions, councils, committees, and other similar groups; amending RCW 28A.300.802, 43.03.050, and 43.03.060; reenacting and amending RCW 43.03.220; adding a new section to chapter 43.03 RCW; and creating a new section.

Referred to Committee on Appropriations.

E2SSB 5803 by Senate Committee on Ways & Means (originally sponsored by Rolfes, Dhingra, Frockt and Nobles)

AN ACT Relating to mitigating the risk of wildfires caused by an electric utility's equipment; amending RCW 76.04.780; adding new sections to chapter 76.04 RCW; adding a new section to chapter 80.28 RCW; adding a new section to chapter 19.29A RCW; and creating a new section.

Referred to Committee on Appropriations.

SSB 5819 by Senate Committee on Ways & Means (originally sponsored by Braun, Brown, Conway, Dozier, Frockt, Keiser, Randall, Rivers, Saldaña, Short, Trudeau, Warnick and Wilson, L.)

AN ACT Relating to the developmental disabilities administration's no-paid services caseload; and adding a new section to chapter 71A.10 RCW.

Referred to Committee on Appropriations.

SSB 5821 by Senate Committee on Ways & Means (originally sponsored by Rivers, Billig, Conway, Dhingra, Nobles, Stanford, Van De Wege, Wilson, C. and Wilson, L.)

AN ACT Relating to evaluating the state's cardiac and stroke emergency response system; creating new sections; and providing an expiration date.

Referred to Committee on Health Care & Wellness.

SSB 5838 by Senate Committee on Human Services, Reentry & Rehabilitation (originally sponsored by Nobles, Rivers, Das, Frockt, Hasegawa, Hunt, Kuderer, Lovelett, Nguyen, Robinson, Saldaña, Stanford, Trudeau and Wilson, C.)

AN ACT Relating to providing a monthly diaper subsidy for parents or other caregivers receiving temporary assistance for needy families; adding a new section to chapter 74.12 RCW; creating new sections; and providing an effective date.

Referred to Committee on Appropriations.

ESSB 5847 by Senate Committee on Higher Education & Workforce Development (originally sponsored by Liias, Randall, Das, Hasegawa, Keiser, Kuderer, Lovick, Nguyen, Nobles, Saldaña and Wilson, C.)

AN ACT Relating to providing information to public service employees about the public service loan forgiveness program; adding a new section to chapter 28B.77 RCW; adding a new section to chapter 43.41 RCW; adding a new section to chapter 41.04 RCW; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Appropriations.

SB 5854 by Senators Randall, Hunt, Lovick, Nobles and Wilson, C.

AN ACT Relating to ethical performance of faculty duties; amending RCW 42.52.200, 42.52.220, and 42.52.360; and reenacting and amending RCW 42.52.010.

Referred to Committee on College & Workforce Development.

SB 5855 by Senators Lovelett, Nobles, Wilson, C., Billig, Das, Hasegawa, Hawkins, Hunt, Keiser, Kuderer, Nguyen, Randall, Saldaña, Stanford and Trudeau

AN ACT Relating to the use of campaign funds to reimburse expenses for child care and other caregiving services; and amending RCW 42.17A.445.

Referred to Committee on State Government & Tribal Relations.

ESSB 5873 by Senate Committee on Ways & Means (originally sponsored by Keiser, Billig, Conway, Das, Dhingra, King, Kuderer, Liias, Lovick, Mullet, Nguyen, Nobles, Randall, Robinson, Rolfes, Stanford and Wilson, C.)

AN ACT Relating to unemployment insurance; amending RCW 50.29.025 and 50.29.070; and declaring an emergency.

Referred to Committee on Labor & Workplace Standards.

SSB 5883 by Senate Committee on Law & Justice (originally sponsored by Trudeau, Keiser, Billig, Conway, Hunt, Kuderer, Nguyen, Nobles, Robinson, Saldaña, Van De Wege and Wilson, C.)

AN ACT Relating to an unaccompanied homeless youth's ability to provide informed consent for that minor patient's own health care, including nonemergency, outpatient, and primary care services, including physical examinations, vision examinations and eyeglasses, dental examinations, hearing

examinations and hearing aids, immunizations, treatments for illnesses and conditions, and routine follow-up care customarily provided by a health care provider in an outpatient setting, excluding elective surgeries; and amending RCW 7.70.065.

Referred to Committee on Children, Youth & Families.

SSB 5886 by Senate Committee on Health & Long Term Care (originally sponsored by Holy, Frockt, Keiser, Kuderer, Lias, Lovick, Muzzall, Nobles, Rivers, Rolfes, Stanford, Trudeau, Van De Wege and Warnick)

AN ACT Relating to creating an advisory council on rare diseases; adding new sections to chapter 43.70 RCW; and creating a new section.

Referred to Committee on Health Care & Wellness.

SSB 5892 by Senate Committee on Health & Long Term Care (originally sponsored by Brown, Conway, Honeyford, King, Lovick, Short, Van De Wege, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.)

AN ACT Relating to establishing pilot projects for utilizing high school student nursing assistant-certified programs to address the nursing workforce shortage and promote nursing careers in rural hospitals; creating a new section; and providing an expiration date.

Referred to Committee on Appropriations.

SB 5895 by Senators Frockt and Mullet

AN ACT Relating to timing restrictions for remedial action grants to local government; amending RCW 70A.305.190; and creating a new section.

Referred to Committee on Capital Budget.

ESB 5919 by Senators Van De Wege, Mullet, Conway, Gildon, Honeyford, Lovick, Randall, Salomon and Wagoner

AN ACT Relating to the standard for law enforcement authority to detain or pursue persons; and amending RCW 10.116.060, 10.120.010, and 10.120.020.

Referred to Committee on Public Safety.

SB 5927 by Senators Honeyford and Saldaña

AN ACT Relating to the safety and security of retail cannabis outlets; amending RCW 9.94A.832; and adding a new section to chapter 69.50 RCW.

Referred to Committee on Public Safety.

SSB 5933 by Senate Committee on Ways & Means (originally sponsored by Frockt, Schoesler,

Conway, Honeyford, Keiser, Lovelett, Mullet, Pedersen, Rolfes and Wilson, J.)

AN ACT Relating to establishing a school seismic safety grant program; adding a new section to chapter 28A.525 RCW; and creating new sections.

Referred to Committee on Capital Budget.

ESSB 5942 by Senate Committee on Law & Justice (originally sponsored by Frockt, Pedersen and Hunt)

AN ACT Relating to the uniform college athlete name, image, or likeness act; amending RCW 42.56.270; adding a new chapter to Title 63 RCW; and prescribing penalties.

Referred to Committee on College & Workforce Development.

SSB 5961 by Senate Committee on Agriculture, Water, Natural Resources & Parks (originally sponsored by Sefzik, Warnick, Honeyford, Rolfes, Short and Van De Wege)

AN ACT Relating to incentivizing the use of biochar; adding a new section to chapter 43.19A RCW; creating a new section; and providing an expiration date.

Referred to Committee on State Government & Tribal Relations.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated, with the exception of ENGROSSED SUBSTITUTE SENATE BILL NO. 5531 which was referred to the committee on Finance.

There being no objection, the House advanced to the sixth order of business.

## SECOND READING

**HOUSE BILL NO. 2037, by Representatives Goodman and Sutherland**

**Modifying the standard for use of force by peace officers.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2037 was substituted for House Bill No. 2037 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2037 was read the second time.

With the consent of the House, amendments (983) and (972) were withdrawn.

Representative Goodman moved the adoption of amendment (911):

On page 3, beginning on line 4, after "circumstances," strike all material through "exist" on line 12 and insert "a reasonably effective alternative to the use of physical force or deadly force does not appear to exist, and the type and amount of physical force or deadly force used is a reasonable and proportional response to effect the legal purpose intended or to protect against the threat posed to the officer or others"

Representatives Goodman, Klippert, Goodman (again) and Graham spoke in favor of the adoption of the amendment.

Amendment (911) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Goodman, Mosbrucker, Harris-Talley, Hackney, Klippert, Maycumber and J. Johnson spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2037.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2037, and the bill passed the House by the following vote: Yeas, 87; Nays, 11; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Maycumber, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Tharinger, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Berry, Chopp, Fitzgibbon, Frame, Harris-Talley, Macri, McCaslin, McEntire, Pollet, Thai and Valdez.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2037, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1755, by Representatives Peterson, Leavitt, Bateman, Davis, Gregerson, Wylie, Sullivan, Simmons, Slatter, Bergquist, Pollet, Riccelli, Ormsby and Kloba**

**Concerning temporary assistance for needy families time limit extensions during times of high unemployment.**

The bill was read the second time.

Representative Young moved the adoption of amendment (998):

On page 2, line 30, after "percent" insert "and the labor market supply and demand gap as calculated by the Washington employment security department is below zero or less than 75 percent of the five-year average"

Representative Young spoke in favor of the adoption of the amendment.

Representative Peterson spoke against the adoption of the amendment.

Amendment (998) was not adopted.

Representative Caldier moved the adoption of amendment (965):

On page 2, line 39, after "(6)" insert "The department shall not

exempt a recipient from the application of subsection (1) of this

section for a period exceeding 24 months if the extension is by reason of hardship under subsection (5) (C) of this section.

(7) "

Renumber the remaining subsections consecutively and correct any

internal references accordingly.

Representative Caldier spoke in favor of the adoption of the amendment.

Representative Peterson spoke against the adoption of the amendment.

Amendment (965) was not adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Peterson and Gilday spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of House Bill No. 1755.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1755, and the bill passed the House by the following vote: Yeas, 79; Nays, 19; Absent, 0; Excused, 0.

Voting yea: Representatives Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Davis, Dent, Dolan, Donaghy, Duerr, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Kloba, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Abbarno, Caldier, Chase, Corry, Dufault, Dye, Klicker, Klippert, Kraft, McCaslin, McEntire, Mosbrucker, Orcutt, Rude, Sutherland, Vick, Volz, Walsh and Young.

HOUSE BILL NO. 1755, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1876, by Representatives Gregerson, Valdez, Fitzgibbon, Simmons, Chopp, Ramel and Pollet**

**Concerning public investment impact disclosures for certain ballot measures that repeal, levy, or modify any tax or fee and have a fiscal impact statement that shows that adoption of the measure would cause a net change in state revenue.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1876 was substituted for House Bill No. 1876 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1876 was read the second time.

Representative Volz moved the adoption of amendment (912):

On page 2, line 1, after "(1)" strike "The attorney general" and insert "A drafting committee, composed of two

fiscal analysts employed by the office of program research in the house of representatives and two fiscal analysts employed by senate committee services in the senate,"

On page 2, beginning on line 19, after "The" strike "attorney general" and insert "drafting committee"

On page 2, at the beginning of line 28, strike "attorney general" and insert "drafting committee"

On page 2, line 31, after "(5) The" strike "attorney general" and insert "drafting committee"

Representatives Volz and Walsh spoke in favor of the adoption of the amendment.

Representative Valdez spoke against the adoption of the amendment.

Amendment (912) was not adopted.

Representative Walsh moved the adoption of amendment (917):

On page 2, line 10, after "adopted" insert ", except that the description may not include any services that the state is constitutionally required to fund"

On page 2, line 19, after "words." insert "However, the list of state services funded by the general fund in the description may not include any services that the state is constitutionally required to fund."

Representative Walsh spoke in favor of the adoption of the amendment.

Representative Valdez spoke against the adoption of the amendment.

Amendment (917) was not adopted.

Representative Graham moved the adoption of amendment (940):

On page 2, line 17, after "must" insert "(a)"

On page 2, line 19, after "words" insert ", and (b) include a chart detailing state revenue each year for the previous ten years, not subject to a word limitation"

Representatives Graham and Volz spoke in favor of the adoption of the amendment.

Representative Valdez spoke against the adoption of the amendment.

Amendment (940) was not adopted.

Representative Volz moved the adoption of amendment (945):

On page 2, line 17, after "must" insert "(a)"

On page 2, line 19, after "words" insert ", and (b) include a statement of the state's estimated budget surplus, if applicable, not subject to a word limitation"

Representatives Volz and Walsh spoke in favor of the adoption of the amendment.

Representative Valdez spoke against the adoption of the amendment.

Amendment (945) was not adopted.

Representative Walsh moved the adoption of amendment (950):

On page 2, beginning on line 23, after "(3)" insert "If transportation is included in the disclosure description as an impacted investment, the disclosure must also state the total amount of taxes levied by the state on a gallon of gasoline, expressed as a percentage of the price. This statement is not included in, nor is subject to, any word limitations.

(4)"

Renumber the remaining subsections and correct any internal references accordingly.

Representative Walsh spoke in favor of the adoption of the amendment.

Representative Valdez spoke against the adoption of the amendment.

Amendment (950) was not adopted.

Representative Volz moved the adoption of amendment (957):

On page 2, beginning on line 23, after "(3)" insert "If public K-12 education is included in the disclosure description as an impacted investment, the disclosure must also state the average annual total

compensation, including wages and benefits, of a public K-12 teacher, administrator, and classified staff member. This statement is not included in, and is not subject to, any word limitations.

(4)"

Renumber the remaining subsections and correct any internal references accordingly.

Representative Volz spoke in favor of the adoption of the amendment.

Representative Valdez spoke against the adoption of the amendment.

Amendment (957) was not adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Gregerson and Valdez spoke in favor of the passage of the bill.

Representatives Volz, Orcutt, Walsh, Volz (again) and Graham spoke against the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1876.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1876, and the bill passed the House by the following vote: Yeas, 54; Nays, 44; Absent, 0; Excused, 0.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cody, Davis, Dolan, Donaghy, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, J. Johnson, Kirby, Kloba, Leavitt, Lekanoff, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Ramel, Ramos, Riccelli, Ryu, Santos, Sells, Senn, Simmons, Slatter, Springer, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, Wylie and Mme. Speaker.

Voting nay: Representatives Abbarno, Barkis, Boehnke, Caldier, Chambers, Chandler, Chase, Corry, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Griffey, Harris, Hoff, Jacobsen, Klicker, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Pollet, Robertson, Rude, Rule, Schmick, Shewmake, Steele, Stokesbary, Sutherland, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

SUBSTITUTE HOUSE BILL NO. 1876, having received the necessary constitutional majority, was declared passed.



## STATEMENT FOR THE JOURNAL

I intended to vote YEA on Substitute House Bill No. 1876.

Representative Pollet, 46th District

### SECOND READING

**HOUSE BILL NO. 1723, by Representatives Gregerson, Taylor, Ryu, Johnson, J., Berry, Valdez, Goodman, Macri, Peterson, Ramel, Simmons, Wylie, Slatter, Bergquist, Pollet, Ortiz-Self, Dolan, Stonier, Riccelli, Ormsby, Harris-Talley, Hackney, Kloba and Frame**

**Closing the digital equity divide by increasing the accessibility and affordability of telecommunications services, devices, and training.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1723 was substituted for House Bill No. 1723 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1723 was read the second time.

Representative Ryu moved the adoption of amendment (964):

On page 3, beginning on line 19, after "to" strike all material through "for" on line 20 and insert "assist low-income persons with the costs of"

On page 4, beginning on line 21, after "act" strike all material through "persons." on line 22 and insert ". Telecommunications providers determine rates for eligible services. The commission shall, by rule, determine the amount of reimbursement to telecommunications providers under the program."

On page 4, beginning on line 33, after "levels." strike all material through "poor." on line 36

Representatives Ryu and Boehnke spoke in favor of the adoption of the amendment.

Amendment (964) was adopted.

Representative Gregerson moved the adoption of amendment (1006):

On page 3, line 21, after "(2)" strike "A" and insert "Subject to the

availability of amounts appropriated for this specific purpose, a"

On page 3, line 24, after "act." insert "The department must notify telecommunications providers when annual appropriations made for the purposes of this section have been fully obligated."

On page 3, line 29, after "services" insert "to the extent that the program is funded"

On page 3, line 39, after "charged" insert ", subject to the availability of amounts appropriated for this specific purpose"

On page 4, line 29, after "consider" insert "the appropriation for the program for that fiscal period,"

Representatives Gregerson and Boehnke spoke in favor of the adoption of the amendment.

Amendment (1006) was adopted.

Representative Corry moved the adoption of amendment (944):

Beginning on page 2, line 29, strike all of Part 2

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

On page 9, beginning on line 20, after "Low-income" strike all material through "act." on line 21 and insert "means households as defined by the department, provided that the definition may not exceed the higher of 80 percent of area median household income or the self-sufficiency standard as determined by the University of Washington's self-sufficiency calculator."

On page 11, at the beginning of line 29, strike all material through "program," on line 30 and insert "federal lifeline program"

On page 16, at the beginning of line 38, after "program," strike "Washington broadband assistance program,"

On page 17, beginning on line 5, after "(a)" strike all material through "(b)" on line 7

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

Correct the title.

Representative Corry and Corry (again) spoke in favor of the adoption of the amendment.

Representative Ryu spoke against the adoption of the amendment.

Amendment (944) was not adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Gregerson and Boehnke spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1723.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1723, and the bill passed the House by the following vote: Yeas, 68; Nays, 30; Absent, 0; Excused, 0.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chandler, Chapman, Chopp, Cody, Corry, Davis, Dolan, Donaghy, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, J. Johnson, Kirby, Klicker, Kloba, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Morgan, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rude, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Abbarno, Barkis, Chambers, Chase, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Griffey, Harris, Hoff, Jacobsen, Klippert, Kraft, Maycumber, McCaslin, McEntire, Orcutt, Robertson, Schmick, Stokesbary, Sutherland, Vick, Volz, Walsh, Wilcox and Young.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1723, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2078, by Representatives Rule, Barkis, Ryu, Fitzgibbon, Simmons, Shewmake, Berry, Leavitt, Berg, Senn, Callan, Dent, Johnson, J., Kloba, Bergquist, Chambers, Wicks, Orwall, Tharinger, Taylor, Klippert and Pollet**

**Establishing the outdoor school for all program. Revised for 2nd Substitute: Establishing the outdoor learning grant program.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 2078 was substituted for House Bill No. 2078 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 2078 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Rule, Ybarra, Barkis and Dent spoke in favor of the passage of the bill.

Representative Chase spoke against the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 2078.

#### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 2078, and the bill passed the House by the following vote: Yeas, 92; Nays, 6; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Wicks, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Chase, Dufault, Kraft, McCaslin, Walsh and Young.

SECOND SUBSTITUTE HOUSE BILL NO. 2078, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1942, by Representatives Donaghy, Stonier, Santos, Simmons, Riccelli, Wicks, Ormsby and Kloba**

**Concerning the provision of the paraeducator fundamental course of study.**

The bill was read the second time.

Representative Stonier moved the adoption of amendment (1004):

On page 1, line 10, after "(2)" insert "(a)"

On page 1, at the beginning of line 15, insert "(b)"

On page 1, line 18, after ":" strike all material through "instruction" on page 2, line 3, and insert the following:

"(c) School districts must provide the four-day fundamental course of study by the deadlines provided in this subsection (c).

(i) The first day of the course must be provided within 30 days of a paraeducator's date of hire; however, a school district that has a particular challenge or hardship meeting this deadline for a paraeducator hired after September 1st must provide the first day of the course within 60 days of the paraeducator's date of hire.

(ii) The second day of the course must be provided within six months of a paraeducator's date of hire.

(iii) The third and fourth days of the course must be provided within one year of a paraeducator's date of hire; although, school districts are encouraged to provide the third and fourth days of the course within 6 months of a paraeducator's date of hire.

(d) At least two days of the four-day fundamental course of study must be provided in person and up to two days of the fundamental course of study may be provided as synchronous online instruction; although, school districts are encouraged to provide the entire four-day fundamental course of study in person"

Representative Stonier spoke in favor of the adoption of the amendment.

Amendment (1004) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Donaghy and Ybarra spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1942.

## ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1942, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

ENGROSSED HOUSE BILL NO. 1942, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1687, by Representatives Bergquist, Leavitt, Ramel, Sells, Johnson, J., Bateman, Valdez, Paul, Callan, Davis, Goodman, Gregerson, Taylor, Ramos, Santos, Sullivan, Riccelli, Harris-Talley, Hackney and Kloba**

**Enhancing the college bound scholarship program by increasing opportunities for students to attend community and technical colleges.**

The bill was read the second time.

Representative Chambers moved the adoption of amendment (792):

On page 3, line 25, after "time" strike "during" and insert "beginning with"

On page 5, after line 13, insert the following:

**"Sec. 3.** RCW 28B.118.090 and 2021 c 283 s 4 are each amended to read as follows:

(1) Beginning January 1, 2015, and at a minimum every year thereafter, the student achievement council and all institutions of higher education eligible to participate in the college bound scholarship program shall ensure data needed to analyze and evaluate the effectiveness of the college bound scholarship program is promptly transmitted to the education data center created in RCW 43.41.400 so that it is available and easily accessible. The data

to be reported should include but not be limited to:

(a) The number of enrolled students for the college bound scholarship program in seventh, eighth, or ninth grade;

(b) The number of college bound scholarship students who graduate from high school;

(c) The number of college bound scholarship students who enroll in postsecondary education, including how many enroll who graduated high school with less than a "C" average;

(d) Persistence and completion rates of college bound scholarship recipients disaggregated by institutions of higher education and by high school grade point average;

(e) College bound scholarship recipient grade point averages;

(f) The number of college bound scholarship recipients who did not remain eligible and reasons for ineligibility;

(g) College bound scholarship program costs; and

(h) Impacts to the Washington college grant program.

(2) Beginning May 12, 2015, and at a minimum every December 1st thereafter, the student achievement council shall submit student unit record data for the college bound scholarship program applicants and recipients to the education data center.

(3) Beginning July 1, 2023, and annually thereafter, the education data center shall submit to the student achievement council the data listed in this section that is submitted by institutions of higher education for the purposes of completing the annual legislative report required by this section.

(4) Beginning November 1, 2023, and annually thereafter, the student achievement council shall submit a report to the higher education committees of the legislature in accordance with RCW 43.01.036 on the data listed in this section."

Correct the title.

Representatives Chambers and Slatter spoke in favor of the adoption of the amendment.

Amendment (792) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Bergquist, Jacobsen, Orcutt and Chambers spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1687.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1687, and the bill passed the House by the following vote: Yeas, 84; Nays, 14; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Davis, Dent, Dolan, Donaghy, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Jacobsen, J. Johnson, Kirby, Klicker, Kloba, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Volz, Walen, Wicks, Wilcox, Wylie and Mme. Speaker.

Voting nay: Representatives Caldier, Chase, Corry, Dufault, Hoff, Klippert, Kraft, McCaslin, McEntire, Rude, Vick, Walsh, Ybarra and Young.

ENGROSSED HOUSE BILL NO. 1687, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1815, by Representatives Ryu, Boehnke, Johnson, J., Berry, Fitzgibbon, Orwall, Shewmake, Leavitt, Chase, Sells, Gregerson, Bateman, Fey, Goodman, Robertson, Macri, Ramos, Santos, Wylie, Simmons, Slatter, Bergquist, Tharinger, Valdez, Thai, Wicks, Pollet, Graham, Young and Frame**

### Deterring catalytic converter theft.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1815 was substituted for House Bill No. 1815 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1815 was read the second time.

Representative Ryu moved the adoption of amendment (971):

On page 5, beginning on line 10, after "coordination with" strike all material through "months" on line 11 and insert "other appropriate entities, such as those involved in enforcement against metal theft"

On page 5, line 12, after "applicants" insert "with a demonstrated increase in metal theft over the previous 24 months"

Representatives Ryu and Mosbrucker spoke in favor of the adoption of the amendment.

Amendment (971) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Ryu, Barkis and Stonier spoke in favor of the passage of the bill.

Representatives Walsh, Chambers, Harris and Maycumber spoke against the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1815.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1815, and the bill passed the House by the following vote: Yeas, 68; Nays, 30; Absent, 0; Excused, 0.

Voting yea: Representatives Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chapman, Chase, Chopp, Cody, Davis, Dolan, Donaghy, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris-Talley, J. Johnson, Kirby, Klippert, Kloba, Leavitt, Lekanoff, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rude, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Vick, Walen, Wicks, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Abbarno, Chambers, Chandler, Corry, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Harris, Hoff, Jacobsen, Klicker, Kraft, Kretz, MacEwen, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Robertson, Schmick, Steele, Stokesbary, Sutherland, Volz, Walsh and Wilcox.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1815, having received the necessary constitutional majority, was declared passed.

#### HOUSE BILL NO. 1389, by Representatives Corry and Eslick

##### Concerning transportation.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1389 was substituted for House Bill No. 1389 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1389 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Corry and Kirby spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1389.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1389, and the bill passed the House by the following vote: Yeas, 96; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Kraft and Pollet.

SUBSTITUTE HOUSE BILL NO. 1389, having received the necessary constitutional majority, was declared passed.

The Speaker (Representative Bronoske presiding) called upon Representative Orwall to preside.

There being no objection, the House reverted to the third order of business.

#### MESSAGE FROM THE SENATE

February 11, 2022

Mme. SPEAKER:

The Senate has passed:

ENGROSSED SENATE BILL NO. 5561,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5794,  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO.  
5884,

and the same are herewith transmitted.

Sarah Bannister, Secretary

There being no objection, the House advanced to the sixth order of business.

### SECOND READING

**HOUSE BILL NO. 1175, by Representatives Johnson, J., Caldier, Callan, Young, Griffey, Sutherland, Harris-Talley, Ormsby and Fitzgibbon**

**Providing a property tax exemption for real property used as a host home associated with a host home program.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1175 was substituted for House Bill No. 1175 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1175 was read the second time.

Representative Young moved the adoption of amendment (1009):

On page 8, line 6, after "least" strike "90" and insert "180"

Representatives Young and Frame spoke in favor of the adoption of the amendment.

Amendment (1009) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives J. Johnson and Young spoke in favor of the passage of the bill.

Representative Orcutt spoke against the passage of the bill.

### MOTION

On motion of Representative Griffey, Representative Corry was excused.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1175.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1175, and the bill passed the House by the following vote: Yeas, 85; Nays, 12; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chapman, Chase, Chopp, Cody, Davis, Dolan, Donaghy, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, Morgan, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Volz, Walen, Wicks, Wilcox, Wylie, Young and Mme. Speaker.

Voting nay: Representatives Boehnke, Chambers, Chandler, Dent, Dufault, Hoff, Kraft, McEntire, Orcutt, Vick, Walsh and Ybarra.

Excused: Representative Corry.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1175, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1841, by Representatives Walen, Springer, Goodman, Shewmake, Wylie, Slatter, Duerr, Riccelli and Ormsby**

**Incentivizing rental of accessory dwelling units to low-income households.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1841 was substituted for House Bill No. 1841 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1841 was read the second time.

Representative Walen moved the adoption of striking amendment (941):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 84.36.400 and 2020 c 204 s 1 are each amended to read as follows:

(1) Any physical improvement to single-family dwellings upon real

property, including constructing an accessory dwelling unit, whether attached to or within the single-family dwelling or as a detached unit on the same real property, shall be exempt from taxation for the three assessment years subsequent to the completion of the improvement to the extent that the improvement represents ~~((thirty))~~ 30 percent or less of the value of the original structure. A taxpayer desiring to obtain the exemption granted by this section must file notice of his or her intention to construct the improvement prior to the improvement being made on forms prescribed by the department of revenue and furnished to the taxpayer by the county assessor ~~((+ PROVIDED, That this))~~. The exemption in this subsection cannot be claimed more than once in a five-year period.

The department of revenue shall promulgate such rules and regulations as are necessary and convenient to properly administer the provisions of this ~~((section))~~ subsection (1).

(2) (a) A county legislative authority may exempt from taxation the value of an accessory dwelling unit if the following conditions are met:

(i) The improvement represents 30 percent or less of the value of the original structure;

(ii) The taxpayer demonstrates that the unit is maintained as a rental property for low-income households. For the purposes of this subsection, "low-income household" means a single person, family, or unrelated persons living together whose adjusted income is at or below 60 percent of the median household income adjusted for household size, for the county where the household is located, as reported by the United States department of housing and urban development;

(iii) The taxpayer files notice of the taxpayer's intention to participate in the exemption program on forms prescribed by and furnished to the taxpayer by the county assessor; and

(iv) Rent charged to a tenant does not exceed more than 30 percent of the tenant's monthly income.

(b) An exemption granted under this subsection (2) may continue for as long as the exempted accessory dwelling unit is leased to a low-income household.

(c) A county legislative authority that has opted to exempt accessory dwelling units under this subsection (2) may:

(i) Allow the exemption for dwelling units that are attached to or within a single-family dwelling or are detached units on the same real property, or both;

(ii) Collect a fee from the taxpayer to cover the costs of administering this subsection (2);

(iii) Designate administrative officials or agents that will verify that both the low-income household and the taxpayer are in compliance with the requirements of this subsection (2). The designated official or agent may not be the county assessor but may include housing authorities or other qualified organizations as determined by the county legislative authority; and

(iv) Determine what property tax and penalties will be due, if any, in the case of a finding of noncompliance by a taxpayer.

NEW SECTION. Sec. 2. (1) This section is the tax preference performance statement for the tax preference contained in section 1, chapter . . . , Laws of 2022 (section 1 of this act). This performance statement is only intended to be used for subsequent evaluation of the tax preference. It is not intended to create a private right of action by any party or to be used to determine eligibility for preferential tax treatment.

(2) The legislature categorizes this tax preference as:

(a) One intended to induce certain designated behavior by taxpayers as indicated in RCW 82.32.808(2) (a); and

(b) A general purpose not identified in RCW 82.32.808(2) (a) through (e) as indicated in RCW 82.32.808(2)(f) and further described in subsection (3) of this section.

(3) It is the legislature's specific public policy objective to encourage homeowners to rent accessory dwelling units to low-income households in order to increase the use of accessory dwelling units for low-income housing.

(4) If a review finds that any county offers this exemption and the exemption is used by any number of homeowners, then

the legislature intends to extend the expiration date of this tax preference.

(5) In order to obtain the data necessary to perform the review in subsection (4) of this section, the joint legislative audit and review committee may refer to any data collected by the state.

NEW SECTION. **Sec. 3.** Section 1 of this act expires January 1, 2033.

NEW SECTION. **Sec. 4.** This act applies to taxes levied for collection in 2023 and thereafter."

Correct the title.

Representatives Walen and Orcutt spoke in favor of the adoption of the amendment.

Striking amendment (941) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Walen and Frame spoke in favor of the passage of the bill.

Representatives Orcutt and Barkis spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1841.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1841, and the bill passed the House by the following vote: Yeas, 66; Nays, 31; Absent, 0; Excused, 1.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Chase, Chopp, Cody, Davis, Dolan, Donaghy, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, Jacobsen, J. Johnson, Kirby, Leavitt, Lekanoff, Macri, McEntire, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Walsh, Wicks, Wylie, Young and Mme. Speaker.

Voting nay: Representatives Abbarno, Barkis, Boehnke, Chandler, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Griffey, Harris, Hoff, Klicker, Klippert, Kloba, Kraft, Kretz, MacEwen, Maycumber, McCaslin, Mosbrucker, Orcutt, Schmick, Steele, Sutherland, Vick, Volz, Wilcox and Ybarra.

Excused: Representative Corry.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1841, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1905, by Representatives Senn, Macri, Berry, Leavitt, Taylor, Ryu, Santos, Simmons, Peterson, Chopp, Goodman, Ormsby, Johnson, J., Dolan, Eslick, Ramel, Kloba, Callan, Frame, Davis, Bateman, Harris-Talley, Valdez and Pollet**

**Reducing homelessness for youth and young adults discharging from a publicly funded system of care.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1905 was substituted for House Bill No. 1905 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1905 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Senn and Dent spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1905.

#### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1905, and the bill passed the House by the following vote: Yeas, 94; Nays, 3; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chapman, Chase, Chopp, Cody, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Chandler, Kraft and McCaslin.

Excused: Representative Corry.



SECOND SUBSTITUTE HOUSE BILL NO. 1905, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1724, by Representatives Macri, Ryu, Berry, Taylor, Wicks, Valdez, Morgan, Bateman, Davis, Goodman, Gregerson, Peterson, Santos, Simmons, Chopp, Pollet, Stonier, Ormsby, Harris-Talley and Kloba**

**Ensuring oversight and coordination of permanent supportive housing resources to maximize the creation of high quality housing opportunities for people living with disabling conditions in communities across Washington.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1724 was substituted for House Bill No. 1724 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1724 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Macri and Gilday spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1724.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1724, and the bill passed the House by the following vote: Yeas, 96; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Representatives Abbaro, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Davis, Dent, Dolan, Donaghy, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representative Dufault.

Excused: Representative Corry.

SUBSTITUTE HOUSE BILL NO. 1724, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1643, by Representatives Hackney, Stokesbary, Bateman, Ryu, Simmons, Leavitt, Robertson, Walen, Valdez, Paul, Callan, Gilday, Macri, Peterson, Ramos, Chopp, Bergquist and Kloba**

**Exempting a sale or transfer of real property for affordable housing to a nonprofit entity, housing authority, public corporation, county, or municipal corporation from the real estate excise tax.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1643 was substituted for House Bill No. 1643 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1643 was read the second time.

Representative Hackney moved the adoption of amendment (869):

On page 8, line 37, after "housing" insert "for a period of at least 10 years"

On page 15, line 40, after "housing" insert "for a period of at least 10 years"

On page 17, beginning on line 12, after "effect" strike "October 1, 2022" and insert "January 1, 2023"

Representatives Hackney and Orcutt spoke in favor of the adoption of the amendment.

Amendment (869) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Hackney, Stokesbary and Orcutt spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1643.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1643, and the bill passed the House by the following vote: Yeas, 93; Nays, 4; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Davis, Dent, Dolan, Donaghy, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Dufault, McCaslin, McEntire and Walsh.

Excused: Representative Corry.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1643, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2010, by Representatives Donaghy, Peterson, Ramel, Ryu, Macri, Bateman and Ormsby**

**Eliminating unnecessary homeless funding budget and auditing requirements.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Donaghy spoke in favor of the passage of the bill.

Representative Gilday spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 2010.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2010, and the bill passed the House by the following vote: Yeas, 57; Nays, 40; Absent, 0; Excused, 1.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cody, Davis, Dolan, Donaghy, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, J. Johnson, Kirby, Kloba, Leavitt, Lekanoff, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, Wylie and Mme. Speaker.

Voting nay: Representatives Abbarno, Barkis, Boehnke, Caldier, Chambers, Chandler, Chase, Dent, Dufault, Dye,

Eslick, Gilday, Goehner, Graham, Griffey, Harris, Hoff, Jacobsen, Klicker, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Schmick, Steele, Stokesbary, Sutherland, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

Excused: Representative Corry.

HOUSE BILL NO. 2010, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1709, by Representatives Orcutt, Wylie, Springer, Griffey and Leavitt**

**Addressing safety measures for tow truck operators and vehicles.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1709 was substituted for House Bill No. 1709 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1709 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Orcutt, Fey and Klippert spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1709.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1709, and the bill passed the House by the following vote: Yeas, 89; Nays, 8; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chase, Chopp, Cody, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rude, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Chapman, Goehner, Kloba, Kraft, Robertson, Rule, Stokesbary and Young.

Excused: Representative Corry.

SUBSTITUTE HOUSE BILL NO. 1709, having received the necessary constitutional majority, was declared passed.

#### STATEMENT FOR THE JOURNAL

I intended to vote NAY on Substitute House Bill No. 1709.

Representative Dufault, 15th District

#### SECOND READING

**HOUSE BILL NO. 1818, by Representatives Simmons, Caldier, Davis, Macri, Peterson, Santos, Wylie and Ormsby**

**Promoting successful reentry and rehabilitation of persons convicted of criminal offenses.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1818 was substituted for House Bill No. 1818 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1818 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Simmons and Caldier spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1818.

#### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1818, and the bill passed the House by the following vote: Yeas, 87; Nays, 10; Absent, 0; Excused, 1.

Voting yea: Representatives Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Davis, Dent, Dolan, Donaghy, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Volz, Walen, Wicks, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Abbarno, Dufault, Kraft, McEntire, Mosbrucker, Orcutt, Rude, Vick, Walsh and Young.

Excused: Representative Corry.

SECOND SUBSTITUTE HOUSE BILL NO. 1818, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1865, by Representatives Davis, Caldier, Callan, Dent, Duerr, Goodman, Macri, Senn, Wylie, Paul, Sullivan, Simmons, Chopp, Slatter, Bergquist, Valdez, Pollet, Ormsby, Graham and Frame**

**Addressing the behavioral health workforce shortage and expanding access to peer services by creating the profession of certified peer specialists.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1865 was substituted for House Bill No. 1865 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1865 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Davis, Caldier, Klippert and Dent spoke in favor of the passage of the bill.

Representative Robertson spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1865.

#### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1865, and the bill passed the House by the following vote: Yeas, 78; Nays, 19; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chapman, Chase, Chopp, Cody, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Gregerson, Griffey, Hackney, Hansen, Harris-Talley, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, Morgan, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, Wilcox, Wylie and Mme. Speaker.

Voting nay: Representatives Chambers, Chandler, Graham, Harris, Hoff, Jacobsen, Kraft, McCaslin, McEntire, Orcutt, Robertson, Rude, Rule, Stokesbary, Vick, Volz, Walsh, Ybarra and Young.

Excused: Representative Corry.

SECOND SUBSTITUTE HOUSE BILL NO. 1865, having received the necessary constitutional majority, was declared passed.

There being no objection, the House deferred action on HOUSE BILL NO. 1859 and HOUSE BILL NO. 1967 and the bills held their place on the second reading calendar.

There being no objection, the House advanced to the eighth order of business.

### MOTION

There being no objection, the Committee on Rules was relieved of the following bills and the bills were placed on the second reading calendar:

HOUSE BILL NO. 1638  
HOUSE BILL NO. 1706  
HOUSE BILL NO. 1776  
HOUSE BILL NO. 1784  
HOUSE BILL NO. 1812  
HOUSE BILL NO. 1860  
HOUSE BILL NO. 2076  
HOUSE BILL NO. 2074  
HOUSE BILL NO. 1641  
HOUSE BILL NO. 1791  
HOUSE BILL NO. 1908  
HOUSE BILL NO. 1666  
HOUSE BILL NO. 1744  
HOUSE BILL NO. 1704  
HOUSE BILL NO. 2073

There being no objection, the House reverted to the sixth order of business.

### SECOND READING

The House resumed consideration of HOUSE BILL NO. 1859 on second reading.

**HOUSE BILL NO. 1859, by Representatives Kloba, Chambers, Wylie and Wicks**

**Concerning quality standards for laboratories conducting cannabis analysis.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kloba and Chambers spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 1859.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1859, and the bill passed the House by the following vote: Yeas, 96; Nays, 1; Absent, 0; Excused: 1

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, Jinkins, Johnson, J., Kirby, Klicker, Klippert, Kloba, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, and Young

Voting nay: Representative Kraft

Excused: Representative Corry

HOUSE BILL NO. 1859, having received the necessary constitutional majority, was declared passed.

The House resumed consideration of HOUSE BILL NO. 1967 on second reading.

**HOUSE BILL NO. 1967, by Representatives Steele, Riccelli, Berry, Lekanoff, Santos and Duerr**

**Concerning property tax exemptions for nonprofits.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1967 was substituted for House Bill No. 1967 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1967 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Steele and Frame spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1967.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1967, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

SUBSTITUTE HOUSE BILL NO. 1967, having received the necessary constitutional majority, was declared passed.

#### RECONSIDERATION

There being no objection, the House immediately reconsidered the vote by which HOUSE BILL NO. 1859 passed the House.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1859, on reconsideration, and the bill passed the House by the following vote: Yeas, 97; Nays, 1; Absent, 0; Excused, 0

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, Jinkins, Johnson, J., Kirby, Klicker, Klippert, Kloba, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, and Young

Voting nay: Representative Kraft

HOUSE BILL NO. 1859, on reconsideration, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1760, by Representatives Paul, Berg, Johnson, J., Valdez, Fey, Ramel, Santos, Sullivan, Slatter, Bergquist, Pollet, Stonier, Ormsby and Taylor**

#### Expanding access to dual credit programs.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1760 was substituted for House Bill No. 1760 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1760 was read the second time.

With the consent of the House, amendments (874) and (1010) were withdrawn.

Representative Paul moved the adoption of amendment (1013):

On page 1, line 8, after "(1)" strike "At the beginning of each" and insert "Prior to course scheduling or course registration for the next"

On page 3, at the beginning of line 29, strike "~~((universities))~~ institutions of higher education" and insert "universities"

On page, 3, line 31, after "program." insert the following:

"(3)"

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

Representatives Paul and Ybarra spoke in favor of the adoption of the amendment.

Amendment (1013) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Paul and Ybarra spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1760.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1760, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1760, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1169, by Representatives Goodman, Davis, Dolan, Simmons, Bateman, Lekanoff, Springer, Gregerson, Senn, Fitzgibbon, Ramos, Frame, Ramel, Peterson, Lovick, Ryu, Callan, Slatter, Duerr, Ormsby, Macri and Hackney**

**Concerning sentencing enhancements.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1169 was substituted for House Bill No. 1169 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1169 was read the second time.

Representative Goodman moved the adoption of striking amendment (923):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 9.94A.030 and 2021 c 237 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))~~ 880 feet of the facilities and grounds of a public or private school.

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

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

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

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

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

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

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

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

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

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

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

committed for one or more of the following reasons:

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

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

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

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

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

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

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

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

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

(18) "Determinate sentence" means a sentence that states with exactitude the number of actual years, months, or days of total confinement, of partial confinement, of community custody, the number of actual hours or days of community restitution work, or dollars or terms of a legal financial obligation. The fact that an offender through earned

release can reduce the actual period of confinement shall not affect the classification of the sentence as a determinate sentence.

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

(20) "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 who are eligible for the option under RCW 9.94A.660.

(22) "Drug offense" means:

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

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

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

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

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

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

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

(25) "Escape" means:

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

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

(26) "Felony traffic offense" means:

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

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

(27) "Fine" means a specific sum of money ordered by the sentencing court to



be paid by the offender to the court over a specific period of time.

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

(29) "Home detention" is a subset of electronic monitoring and means a program of partial confinement available to offenders wherein the offender is confined in a private residence (~~(twenty-four)~~) 24 hours a day, unless an absence from the residence is approved, authorized, or otherwise permitted in the order by the court or other supervising agency that ordered home detention, and the offender is subject to electronic monitoring.

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

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

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

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

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

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

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

(b) Assault in the second degree;

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

(d) Child molestation in the second degree;

(e) Controlled substance homicide;

(f) Extortion in the first degree;

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

(h) Indecent liberties;

(i) Kidnapping in the second degree;

(j) Leading organized crime;

(k) Manslaughter in the first degree;

(l) Manslaughter in the second degree;

(m) Promoting prostitution in the first degree;

(n) Rape in the third degree;

(o) Sexual exploitation;

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

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

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

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

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

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

(ii) A prior conviction for indecent liberties under RCW 9A.44.100(1) (c) as it existed from June 11, 1986, until July 1, 1988, if: (A) The crime was committed against a child under the age of ~~((fourteen))~~ 14; or (B) the relationship between the victim and perpetrator is included in the definition of indecent liberties under RCW 9A.44.100(1) (c) as it existed from July 1, 1988, through July 27, 1997, or RCW 9A.44.100(1) (d) or (e) as it existed from July 25, 1993, through July 27, 1997;

(v) Any out-of-state conviction for a felony offense with a finding of sexual motivation if the minimum sentence imposed was ~~((ten))~~ 10 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))~~ 18 years of age or older or is less than ~~((eighteen))~~ 18 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, electronic monitoring, or work crew has been ordered by the court or home detention has been ordered by the department as part of the parenting program or the graduated reentry program, in an approved residence, for a substantial portion of each day with the balance of the day spent in the community. Partial confinement includes work release, home detention, work crew, electronic monitoring, and a combination of work crew, electronic monitoring, and home detention.

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

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

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

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

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

(iv) Any violation of the firearms and dangerous weapon act (chapter 9.41 RCW);

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

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

(vii) Hate Crime (RCW 9A.36.080);

(viii) Harassment where a subsequent violation or deadly threat is made (RCW 9A.46.020(2)(b));

(ix) Criminal Gang Intimidation (RCW 9A.46.120);

(x) ~~((Any felony conviction by a person eighteen years of age or older with a special finding of involving a juvenile in a felony offense under RCW 9.94A.833;~~

~~((xi))~~ Residential Burglary (RCW 9A.52.025);

~~((xii))~~ (xi) Burglary 2 (RCW 9A.52.030);

((~~xiii~~)) (xii) Malicious Mischief 1 (RCW 9A.48.070);

((~~xiv~~)) (xiii) Malicious Mischief 2 (RCW 9A.48.080);

((~~xv~~)) (xiv) Theft of a Motor Vehicle (RCW 9A.56.065);

((~~xvi~~)) (xv) Possession of a Stolen Motor Vehicle (RCW 9A.56.068);

((~~xvii~~)) (xvi) Taking a Motor Vehicle Without Permission 1 (RCW 9A.56.070);

((~~xviii~~)) (xvii) Taking a Motor Vehicle Without Permission 2 (RCW 9A.56.075);

((~~xix~~)) (xviii) Extortion 1 (RCW 9A.56.120);

((~~xx~~)) (xix) Extortion 2 (RCW 9A.56.130);

((~~xxi~~)) (xx) Intimidating a Witness (RCW 9A.72.110);

((~~xxii~~)) (xxi) Tampering with a Witness (RCW 9A.72.120);

((~~xxiii~~)) (xxii) Reckless Endangerment (RCW 9A.36.050);

((~~xxiv~~)) (xxiii) Coercion (RCW 9A.36.070);

((~~xxv~~)) (xxiv) Harassment (RCW 9A.46.020); or

((~~xxvi~~)) (xxv) Malicious Mischief 3 (RCW 9A.48.090);

(b) That at least one of the offenses listed in (a) of this subsection shall have occurred after July 1, 2008;

(c) That the most recent committed offense listed in (a) of this subsection occurred within three years of a prior offense listed in (a) of this subsection; and

(d) Of the offenses that were committed in (a) of this subsection, the offenses occurred on separate occasions or were committed by two or more persons.

(37) "Persistent offender" is an offender who:

(a)(i) Has been convicted in this state of any felony considered a most serious offense; and

(ii) Has, before the commission of the offense under (a) of this subsection, been convicted as an offender on at least two separate occasions, whether in this state or elsewhere, of felonies that

under the laws of this state would be considered most serious offenses and would be included in the offender score under RCW 9.94A.525; provided that of the two or more previous convictions, at least one conviction must have occurred before the commission of any of the other most serious offenses for which the offender was previously convicted; or

(b)(i) Has been convicted of: (A) Rape in the first degree, rape of a child in the first degree, child molestation in the first degree, rape in the second degree, rape of a child in the second degree, or indecent liberties by forcible compulsion; (B) any of the following offenses with a finding of sexual motivation: Murder in the first degree, murder in the second degree, homicide by abuse, kidnapping in the first degree, kidnapping in the second degree, assault in the first degree, assault in the second degree, assault of a child in the first degree, assault of a child in the second degree, or burglary in the first degree; or (C) an attempt to commit any crime listed in this subsection (37)(b)(i); and

(ii) Has, before the commission of the offense under (b)(i) of this subsection, been convicted as an offender on at least one occasion, whether in this state or elsewhere, of an offense listed in (b)(i) of this subsection or any federal or out-of-state offense or offense under prior Washington law that is comparable to the offenses listed in (b)(i) of this subsection. A conviction for rape of a child in the first degree constitutes a conviction under (b)(i) of this subsection only when the offender was ((~~sixteen~~)) 16 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~~)) 18 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) "Recidivist offense" means a felony offense where a prior conviction of the same offense or other specified offense is an element of the crime including, but not limited to:

(a) Assault in the fourth degree where domestic violence is pleaded and proven, RCW 9A.36.041(3);

(b) Cyberstalking, RCW 9.61.260(3)(a);

(c) Harassment, RCW 9A.46.020(2)(b)(i);

(d) Indecent exposure, RCW 9A.88.010(2)(c);

(e) Stalking, RCW 9A.46.110(5)(b)(i) and (iii);

(f) Telephone harassment, RCW 9.61.230(2)(a); and

(g) Violation of a no-contact or protection order, RCW 26.50.110(5).

(42) "Repetitive domestic violence offense" means any:

(a)(i) Domestic violence assault that is not a felony offense under RCW 9A.36.041;

(ii) Domestic violence violation of a no-contact order under chapter 10.99 RCW that is not a felony offense;

(iii) Domestic violence violation of a protection order under chapter 26.09, 26.26A, 26.26B, 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.

(43) "Restitution" means a specific sum of money ordered by the sentencing court to be paid by the offender to the court over a specified period of time as payment of damages. The sum may include both public and private costs.

(44) "Risk assessment" means the application of the risk instrument recommended to the department by the Washington state institute for public policy as having the highest degree of predictive accuracy for assessing an offender's risk of reoffense.

(45) "Serious traffic offense" means:

(a) Nonfelony driving while under the influence of intoxicating liquor or any drug (RCW 46.61.502), nonfelony actual physical control while under the influence of intoxicating liquor or any drug (RCW 46.61.504), reckless driving (RCW 46.61.500), or hit-and-run an attended vehicle (RCW 46.52.020(5)); or

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

(46) "Serious violent offense" is a subcategory of violent offense and means:

(a)(i) Murder in the first degree;

(ii) Homicide by abuse;

(iii) Murder in the second degree;

- (iv) Manslaughter in the first degree;
- (v) Assault in the first degree;
- (vi) Kidnapping in the first degree;
- (vii) Rape in the first degree;

(viii) Assault of a child in the first degree; or

(ix) An attempt, criminal solicitation, or criminal conspiracy to commit one of these felonies; or

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

(47) "Sex offense" means:

(a) (i) A felony that is a violation of chapter 9A.44 RCW other than RCW 9A.44.132;

(ii) A violation of RCW 9A.64.020;

(iii) A felony that is a violation of chapter 9.68A RCW other than RCW 9.68A.080;

(iv) A felony that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit such crimes; or

(v) A felony violation of RCW 9A.44.132(1) (failure to register as a sex offender) if the person has been convicted of violating RCW 9A.44.132(1) (failure to register as a sex offender) or 9A.44.130 prior to June 10, 2010, on at least one prior occasion;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a sex offense in (a) of this subsection;

(c) A felony with a finding of sexual motivation under RCW 9.94A.835 or 13.40.135; or

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

(48) "Sexual motivation" means that one of the purposes for which the defendant committed the crime was for the purpose of his or her sexual gratification.

(49) "Standard sentence range" means the sentencing court's discretionary

range in imposing a nonappealable sentence.

(50) "Statutory maximum sentence" means the maximum length of time for which an offender may be confined as punishment for a crime as prescribed in chapter 9A.20 RCW, RCW 9.92.010, the statute defining the crime, or other statute defining the maximum penalty for a crime.

(51) "Stranger" means that the victim did not know the offender (~~((twenty-four))~~) 24 hours before the offense.

(52) "Total confinement" means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for (~~((twenty-four))~~) 24 hours a day, or pursuant to RCW 72.64.050 and 72.64.060.

(53) "Transition training" means written and verbal instructions and assistance provided by the department to the offender during the two weeks prior to the offender's successful completion of the work ethic camp program. The transition training shall include instructions in the offender's requirements and obligations during the offender's period of community custody.

(54) "Victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a direct result of the crime charged.

(55) "Victim of domestic violence" means an intimate partner or household member who has been subjected to the infliction of physical harm or sexual and psychological abuse by an intimate partner or household member as part of a pattern of assaultive, coercive, and controlling behaviors directed at achieving compliance from or control over that intimate partner or household member. Domestic violence includes, but is not limited to, the offenses listed in RCW 10.99.020 and 26.50.010 committed by an intimate partner or household member against a victim who is an intimate partner or household member.

(56) "Victim of sex trafficking, prostitution, or commercial sexual abuse of a minor" means a person who has been forced or coerced to perform a commercial sex act including, but not limited to, being a victim of offenses defined in RCW 9A.40.100, 9A.88.070, 9.68A.101, and the trafficking victims protection act of

2000, 22 U.S.C. Sec. 7101 et seq.; or a person who was induced to perform a commercial sex act when they were less than 18 years of age including but not limited to the offenses defined in chapter 9.68A RCW.

(57) "Victim of sexual assault" means any person who is a victim of a sexual assault offense, nonconsensual sexual conduct, or nonconsensual sexual penetration and as a result suffers physical, emotional, financial, or psychological impacts. Sexual assault offenses include, but are not limited to, the offenses defined in chapter 9A.44 RCW.

(58) "Violent offense" means:

(a) Any of the following felonies:

(i) Any felony defined under any law as a class A felony or an attempt to commit a class A felony;

(ii) Criminal solicitation of or criminal conspiracy to commit a class A felony;

(iii) Manslaughter in the first degree;

(iv) Manslaughter in the second degree;

(v) Indecent liberties if committed by forcible compulsion;

(vi) Kidnapping in the second degree;

(vii) Arson in the second degree;

(viii) Assault in the second degree;

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

(x) Extortion in the first degree;

(xi) Robbery in the second degree;

(xii) Drive-by shooting;

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

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

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a violent offense in (a) of this subsection; and

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

(59) "Work crew" means a program of partial confinement consisting of civic improvement tasks for the benefit of the community that complies with RCW 9.94A.725.

(60) "Work ethic camp" means an alternative incarceration program as provided in RCW 9.94A.690 designed to reduce recidivism and lower the cost of corrections by requiring offenders to complete a comprehensive array of real-world job and vocational experiences, character-building work ethics training, life management skills development, substance abuse rehabilitation, counseling, literacy training, and basic adult education.

(61) "Work release" means a program of partial confinement available to offenders who are employed or engaged as a student in a regular course of study at school.

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

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

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

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

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

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

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

(6) "Community protection zone" means the area within (~~eight hundred eighty~~) 880 feet of the facilities and grounds of a public or private school.

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

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

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

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

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

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

(b) A conviction may be removed from a defendant's criminal history only if it is vacated pursuant to RCW 9.96.060,

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(19) "Disposable earnings" means that part of the earnings of an offender remaining after the deduction from those earnings of any amount required by law to be withheld. For the purposes of this definition, "earnings" means compensation paid or payable for personal

services, whether denominated as wages, salary, commission, bonuses, or otherwise, and, notwithstanding any other provision of law making the payments exempt from garnishment, attachment, or other process to satisfy a court-ordered legal financial obligation, specifically includes periodic payments pursuant to pension or retirement programs, or insurance policies of any type, but does not include payments made under Title 50 RCW, except as provided in RCW 50.40.020 and 50.40.050, or Title 74 RCW.

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

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

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

(22) "Drug offense" means:

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

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

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

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

(24) "Electronic monitoring" means tracking the location of an individual through the use of technology that is



capable of determining or identifying the monitored individual's presence or absence at a particular location including, but not limited to:

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

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

(25) "Escape" means:

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

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

(26) "Felony traffic offense" means:

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

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

classified as a felony traffic offense under (a) of this subsection.

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

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

(29) "Home detention" is a subset of electronic monitoring and means a program of partial confinement available to offenders wherein the offender is confined in a private residence (~~twenty-four~~) 24 hours a day, unless an absence from the residence is approved, authorized, or otherwise permitted in the order by the court or other supervising agency that ordered home detention, and the offender is subject to electronic monitoring.

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

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

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

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

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

emergency response to the incident resulting in the conviction, subject to RCW 38.52.430.

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

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

(b) Assault in the second degree;

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

(d) Child molestation in the second degree;

(e) Controlled substance homicide;

(f) Extortion in the first degree;

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

(h) Indecent liberties;

(i) Kidnapping in the second degree;

(j) Leading organized crime;

(k) Manslaughter in the first degree;

(l) Manslaughter in the second degree;

(m) Promoting prostitution in the first degree;

(n) Rape in the third degree;

(o) Sexual exploitation;

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

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

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

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

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

that under the laws of this state would be a felony classified as a most serious offense under this subsection;

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

(ii) A prior conviction for indecent liberties under RCW 9A.44.100(1) (c) as it existed from June 11, 1986, until July 1, 1988, if: (A) The crime was committed against a child under the age of (~~fourteen~~) 14; or (B) the relationship between the victim and perpetrator is included in the definition of indecent liberties under RCW 9A.44.100(1) (c) as it existed from July 1, 1988, through July 27, 1997, or RCW 9A.44.100(1) (d) or (e) as it existed from July 25, 1993, through July 27, 1997;

(v) Any out-of-state conviction for a felony offense with a finding of sexual motivation if the minimum sentence imposed was (~~ten~~) 10 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~~) 18 years of age or older or is less than (~~eighteen~~) 18 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, electronic monitoring, or work crew has been ordered by the court or home detention has been ordered by the department as part of the parenting program or the graduated reentry program, in an approved residence, for a substantial portion of each day with the balance of the day spent in the community. Partial confinement includes work release, home detention, work crew, electronic monitoring, and a combination of work crew, electronic monitoring, and home detention.

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

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

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

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

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

(iv) Any violation of the firearms and dangerous weapon act (chapter 9.41 RCW);

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

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

(vii) Hate Crime (RCW 9A.36.080);

(viii) Harassment where a subsequent violation or deadly threat is made (RCW 9A.46.020(2)(b));

(ix) Criminal Gang Intimidation (RCW 9A.46.120);

(x) ~~(Any felony conviction by a person eighteen years of age or older with a special finding of involving a juvenile in a felony offense under RCW 9.94A.833;~~

~~(xi)) Residential Burglary (RCW 9A.52.025);~~

~~((~~xii~~)) (xi) Burglary 2 (RCW 9A.52.030);~~

~~((~~xiii~~)) (xii) Malicious Mischief 1 (RCW 9A.48.070);~~

~~((~~xiv~~)) (xiii) Malicious Mischief 2 (RCW 9A.48.080);~~

~~((~~xv~~)) (xiv) Theft of a Motor Vehicle (RCW 9A.56.065);~~

~~((~~xvi~~)) (xv) Possession of a Stolen Motor Vehicle (RCW 9A.56.068);~~

~~((~~xvii~~)) (xvi) Taking a Motor Vehicle Without Permission 1 (RCW 9A.56.070);~~

~~((~~xviii~~)) (xvii) Taking a Motor Vehicle Without Permission 2 (RCW 9A.56.075);~~

~~((~~xix~~)) (xviii) Extortion 1 (RCW 9A.56.120);~~

~~((~~xxx~~)) (xix) Extortion 2 (RCW 9A.56.130);~~

~~((~~xxi~~)) (xx) Intimidating a Witness (RCW 9A.72.110);~~

~~((~~xxii~~)) (xxi) Tampering with a Witness (RCW 9A.72.120);~~

~~((~~xxiii~~)) (xxii) Reckless Endangerment (RCW 9A.36.050);~~

~~((~~xxiv~~)) (xxiii) Coercion (RCW 9A.36.070);~~

~~((~~xxv~~)) (xxiv) Harassment (RCW 9A.46.020); or~~

~~((~~xxvi~~)) (xxv) Malicious Mischief 3 (RCW 9A.48.090);~~

(b) That at least one of the offenses listed in (a) of this subsection shall have occurred after July 1, 2008;

(c) That the most recent committed offense listed in (a) of this subsection occurred within three years of a prior offense listed in (a) of this subsection; and

(d) Of the offenses that were committed in (a) of this subsection, the offenses occurred on separate occasions or were committed by two or more persons.

(37) "Persistent offender" is an offender who:

(a)(i) Has been convicted in this state of any felony considered a most serious offense; and

(ii) Has, before the commission of the offense under (a) of this subsection,

been convicted as an offender on at least two separate occasions, whether in this state or elsewhere, of felonies that under the laws of this state would be considered most serious offenses and would be included in the offender score under RCW 9.94A.525; provided that of the two or more previous convictions, at least one conviction must have occurred before the commission of any of the other most serious offenses for which the offender was previously convicted; or

(b) (i) Has been convicted of: (A) Rape in the first degree, rape of a child in the first degree, child molestation in the first degree, rape in the second degree, rape of a child in the second degree, or indecent liberties by forcible compulsion; (B) any of the following offenses with a finding of sexual motivation: Murder in the first degree, murder in the second degree, homicide by abuse, kidnapping in the first degree, kidnapping in the second degree, assault in the first degree, assault in the second degree, assault of a child in the first degree, assault of a child in the second degree, or burglary in the first degree; or (C) an attempt to commit any crime listed in this subsection (37) (b) (i); and

(ii) Has, before the commission of the offense under (b) (i) of this subsection, been convicted as an offender on at least one occasion, whether in this state or elsewhere, of an offense listed in (b) (i) of this subsection or any federal or out-of-state offense or offense under prior Washington law that is comparable to the offenses listed in (b) (i) of this subsection. A conviction for rape of a child in the first degree constitutes a conviction under (b) (i) of this subsection only when the offender was (~~sixteen~~) 16 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~~) 18 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) "Recidivist offense" means a felony offense where a prior conviction of the same offense or other specified offense is an element of the crime including, but not limited to:

(a) Assault in the fourth degree where domestic violence is pleaded and proven, RCW 9A.36.041(3);

(b) Cyberstalking, RCW 9.61.260(3)(a);

(c) Harassment, RCW 9A.46.020(2)(b)(i);

(d) Indecent exposure, RCW 9A.88.010(2)(c);

(e) Stalking, RCW 9A.46.110(5)(b)(i) and (iii);

(f) Telephone harassment, RCW 9.61.230(2)(a); and

(g) Violation of a no-contact or protection order, RCW 7.105.450 or former RCW 26.50.110(5).

(42) "Repetitive domestic violence offense" means any:

(a) (i) Domestic violence assault that is not a felony offense under RCW 9A.36.041;

(ii) Domestic violence violation of a no-contact order under chapter 10.99 RCW that is not a felony offense;

(iii) Domestic violence violation of a protection order under chapter 26.09, 26.26A, or 26.26B RCW or former chapter 26.50 RCW, or violation of a domestic violence protection order under chapter 7.105 RCW, that is not a felony offense;

(iv) Domestic violence harassment offense under RCW 9A.46.020 that is not a felony offense; or

(v) Domestic violence stalking offense under RCW 9A.46.110 that is not a felony offense; or

(b) Any federal, out-of-state, tribal court, military, county, or municipal conviction for an offense that under the laws of this state would be classified as a repetitive domestic violence offense under (a) of this subsection.

(43) "Restitution" means a specific sum of money ordered by the sentencing court to be paid by the offender to the court over a specified period of time as payment of damages. The sum may include both public and private costs.

(44) "Risk assessment" means the application of the risk instrument recommended to the department by the Washington state institute for public policy as having the highest degree of predictive accuracy for assessing an offender's risk of reoffense.

(45) "Serious traffic offense" means:

(a) Nonfelony driving while under the influence of intoxicating liquor or any drug (RCW 46.61.502), nonfelony actual physical control while under the influence of intoxicating liquor or any drug (RCW 46.61.504), reckless driving (RCW 46.61.500), or hit-and-run an attended vehicle (RCW 46.52.020(5)); or

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

(46) "Serious violent offense" is a subcategory of violent offense and means:

(a) (i) Murder in the first degree;

(ii) Homicide by abuse;

(iii) Murder in the second degree;

(iv) Manslaughter in the first degree;

(v) Assault in the first degree;

(vi) Kidnapping in the first degree;

(vii) Rape in the first degree;

(viii) Assault of a child in the first degree; or

(ix) An attempt, criminal solicitation, or criminal conspiracy to commit one of these felonies; or

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

(47) "Sex offense" means:

(a) (i) A felony that is a violation of chapter 9A.44 RCW other than RCW 9A.44.132;

(ii) A violation of RCW 9A.64.020;

(iii) A felony that is a violation of chapter 9.68A RCW other than RCW 9.68A.080;

(iv) A felony that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit such crimes; or

(v) A felony violation of RCW 9A.44.132(1) (failure to register as a sex offender) if the person has been convicted of violating RCW 9A.44.132(1) (failure to register as a sex offender) or 9A.44.130 prior to June 10, 2010, on at least one prior occasion;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a sex offense in (a) of this subsection;

(c) A felony with a finding of sexual motivation under RCW 9.94A.835 or 13.40.135; or

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

(48) "Sexual motivation" means that one of the purposes for which the defendant committed the crime was for the

purpose of his or her sexual gratification.

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

(50) "Statutory maximum sentence" means the maximum length of time for which an offender may be confined as punishment for a crime as prescribed in chapter 9A.20 RCW, RCW 9.92.010, the statute defining the crime, or other statute defining the maximum penalty for a crime.

(51) "Stranger" means that the victim did not know the offender (~~(twenty-four)~~) 24 hours before the offense.

(52) "Total confinement" means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for (~~(twenty-four)~~) 24 hours a day, or pursuant to RCW 72.64.050 and 72.64.060.

(53) "Transition training" means written and verbal instructions and assistance provided by the department to the offender during the two weeks prior to the offender's successful completion of the work ethic camp program. The transition training shall include instructions in the offender's requirements and obligations during the offender's period of community custody.

(54) "Victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a direct result of the crime charged.

(55) "Victim of domestic violence" means an intimate partner or household member who has been subjected to the infliction of physical harm or sexual and psychological abuse by an intimate partner or household member as part of a pattern of assaultive, coercive, and controlling behaviors directed at achieving compliance from or control over that intimate partner or household member. Domestic violence includes, but is not limited to, the offenses listed in RCW 10.99.020 and 26.50.010 committed by an intimate partner or household member against a victim who is an intimate partner or household member.

(56) "Victim of sex trafficking, prostitution, or commercial sexual abuse of a minor" means a person who has been

forced or coerced to perform a commercial sex act including, but not limited to, being a victim of offenses defined in RCW 9A.40.100, 9A.88.070, 9.68A.101, and the trafficking victims protection act of 2000, 22 U.S.C. Sec. 7101 et seq.; or a person who was induced to perform a commercial sex act when they were less than 18 years of age including but not limited to the offenses defined in chapter 9.68A RCW.

(57) "Victim of sexual assault" means any person who is a victim of a sexual assault offense, nonconsensual sexual conduct, or nonconsensual sexual penetration and as a result suffers physical, emotional, financial, or psychological impacts. Sexual assault offenses include, but are not limited to, the offenses defined in chapter 9A.44 RCW.

(58) "Violent offense" means:

(a) Any of the following felonies:

(i) Any felony defined under any law as a class A felony or an attempt to commit a class A felony;

(ii) Criminal solicitation of or criminal conspiracy to commit a class A felony;

(iii) Manslaughter in the first degree;

(iv) Manslaughter in the second degree;

(v) Indecent liberties if committed by forcible compulsion;

(vi) Kidnapping in the second degree;

(vii) Arson in the second degree;

(viii) Assault in the second degree;

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

(x) Extortion in the first degree;

(xi) Robbery in the second degree;

(xii) Drive-by shooting;

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

(xiv) Vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any

drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a violent offense in (a) of this subsection; and

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

(59) "Work crew" means a program of partial confinement consisting of civic improvement tasks for the benefit of the community that complies with RCW 9.94A.725.

(60) "Work ethic camp" means an alternative incarceration program as provided in RCW 9.94A.690 designed to reduce recidivism and lower the cost of corrections by requiring offenders to complete a comprehensive array of real-world job and vocational experiences, character-building work ethics training, life management skills development, substance abuse rehabilitation, counseling, literacy training, and basic adult education.

(61) "Work release" means a program of partial confinement available to offenders who are employed or engaged as a student in a regular course of study at school.

**Sec. 3.** RCW 9.94A.533 and 2020 c 330 s 1 and 2020 c 141 s 1 are each reenacted and amended to read as follows:

(1) The provisions of this section apply to the standard sentence ranges determined by RCW 9.94A.510 or 9.94A.517.

(2) For persons convicted of the anticipatory offenses of criminal attempt, solicitation, or conspiracy under chapter 9A.28 RCW, the standard sentence range is determined by locating the sentencing grid sentence range defined by the appropriate offender score and the seriousness level of the completed crime, and multiplying the range by ~~((seventy-five))~~ 75 percent.

(3) The following additional times shall be added to the standard sentence range for felony crimes committed after July 23, 1995, if the offender or an accomplice was armed with a firearm as defined in RCW 9.41.010 and the offender is being sentenced for one of the crimes

listed in this subsection as eligible for any firearm enhancements based on the classification of the completed felony crime. If the offender is being sentenced for more than one offense, the firearm enhancement or enhancements must be added to the total period of confinement for all offenses, regardless of which underlying offense is subject to a firearm enhancement. If the offender or an accomplice was armed with a firearm as defined in RCW 9.41.010 and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW to commit one of the crimes listed in this subsection as eligible for any firearm enhancements, the following additional times shall be added to the standard sentence range determined under subsection (2) of this section based on the felony crime of conviction as classified under RCW 9A.28.020:

(a) Five years for any felony defined under any law as a class A felony or with a statutory maximum sentence of at least ~~((twenty))~~ 20 years, or both, and not covered under (f) of this subsection;

(b) Three years for any felony defined under any law as a class B felony or with a statutory maximum sentence of ~~((ten))~~ 10 years, or both, and not covered under (f) of this subsection;

(c) Eighteen months for any felony defined under any law as a class C felony or with a statutory maximum sentence of five years, or both, and not covered under (f) of this subsection;

(d) If the offender is being sentenced for any firearm enhancements under (a), (b), and/or (c) of this subsection and the offender has previously been sentenced for any deadly weapon enhancements after July 23, 1995, under (a), (b), and/or (c) of this subsection or subsection (4) (a), (b), and/or (c) of this section, or both, all firearm enhancements under this subsection shall be twice the amount of the enhancement listed;

(e) (i) Notwithstanding any other provision of law, all firearm enhancements under this section are mandatory ~~((, shall be served in total confinement, and shall run consecutively to all other sentencing provisions, including other firearm or deadly weapon enhancements, for all offenses sentenced under this chapter. However, whether)).~~ For any person sentenced to multiple firearm enhancements on or after the

effective date of this section, the court may order the enhancements to run consecutively.

(ii) Whether or not a mandatory minimum term has expired, an offender serving a sentence under this subsection may be:

~~((i))~~ (A) Granted an extraordinary medical placement when authorized under RCW 9.94A.728(1)(c); or

~~((ii))~~ (B) Released under the provisions of RCW 9.94A.730;

(f) The firearm enhancements in this section shall apply to all felony crimes except the following: Possession of a machine gun or bump-fire stock, possessing a stolen firearm, drive-by shooting, theft of a firearm, unlawful possession of a firearm in the first and second degree, and use of a machine gun or bump-fire stock in a felony;

(g) If the standard sentence range under this section exceeds the statutory maximum sentence for the offense, the statutory maximum sentence shall be the presumptive sentence unless the offender is a persistent offender. ~~((If the addition of a firearm enhancement increases the sentence so that it would exceed the statutory maximum for the offense, the portion of the sentence representing the enhancement may not be reduced.))~~

(4) The following additional times shall be added to the standard sentence range for felony crimes committed after July 23, 1995, if the offender or an accomplice was armed with a deadly weapon other than a firearm as defined in RCW 9.41.010 and the offender is being sentenced for one of the crimes listed in this subsection as eligible for any deadly weapon enhancements based on the classification of the completed felony crime. If the offender is being sentenced for more than one offense, the deadly weapon enhancement or enhancements must be added to the total period of confinement for all offenses, regardless of which underlying offense is subject to a deadly weapon enhancement. If the offender or an accomplice was armed with a deadly weapon other than a firearm as defined in RCW 9.41.010 and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW to commit one of the crimes listed in this subsection as eligible for any deadly weapon enhancements, the following additional times shall be added to the

standard sentence range determined under subsection (2) of this section based on the felony crime of conviction as classified under RCW 9A.28.020:

(a) Two years for any felony defined under any law as a class A felony or with a statutory maximum sentence of at least ~~((twenty))~~ 20 years, or both, and not covered under (f) of this subsection;

(b) One year for any felony defined under any law as a class B felony or with a statutory maximum sentence of ~~((ten))~~ 10 years, or both, and not covered under (f) of this subsection;

(c) Six months for any felony defined under any law as a class C felony or with a statutory maximum sentence of five years, or both, and not covered under (f) of this subsection;

(d) If the offender is being sentenced under (a), (b), and/or (c) of this subsection for any deadly weapon enhancements and the offender has previously been sentenced for any deadly weapon enhancements after July 23, 1995, under (a), (b), and/or (c) of this subsection or subsection (3)(a), (b), and/or (c) of this section, or both, all deadly weapon enhancements under this subsection shall be twice the amount of the enhancement listed;

(e)(i) Notwithstanding any other provision of law, all deadly weapon enhancements under this section are mandatory ~~((, shall be served in total confinement, and shall run consecutively to all other sentencing provisions, including other firearm or deadly weapon enhancements, for all offenses sentenced under this chapter. However, whether))~~. For any person sentenced to multiple deadly weapon enhancements on or after the effective date of this section, the court may order the enhancements to run consecutively.

(ii) Whether or not a mandatory minimum term has expired, an offender serving a sentence under this subsection may be:

~~((i))~~ (A) Granted an extraordinary medical placement when authorized under RCW 9.94A.728(1)(c); or

~~((ii))~~ (B) Released under the provisions of RCW 9.94A.730;

(f) The deadly weapon enhancements in this section shall apply to all felony crimes except the following: Possession of a machine gun or bump-fire stock,



possessing a stolen firearm, drive-by shooting, theft of a firearm, unlawful possession of a firearm in the first and second degree, and use of a machine gun or bump-fire stock in a felony;

(g) If the standard sentence range under this section exceeds the statutory maximum sentence for the offense, the statutory maximum sentence shall be the presumptive sentence unless the offender is a persistent offender. ~~((If the addition of a deadly weapon enhancement increases the sentence so that it would exceed the statutory maximum for the offense, the portion of the sentence representing the enhancement may not be reduced.))~~

(5) The following additional times shall be added to the standard sentence range if the offender or an accomplice committed the offense while in a county jail or state correctional facility and the offender is being sentenced for one of the crimes listed in this subsection. If the offender or an accomplice committed one of the crimes listed in this subsection while in a county jail or state correctional facility, and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW to commit one of the crimes listed in this subsection, the following additional times shall be added to the standard sentence range determined under subsection (2) of this section:

(a) Eighteen months for offenses committed under RCW 69.50.401(2) (a) or (b) or 69.50.410;

(b) Fifteen months for offenses committed under RCW 69.50.401(2) (c), (d), or (e);

(c) Twelve months for offenses committed under RCW 69.50.4013.

For the purposes of this subsection, all of the real property of a state correctional facility or county jail shall be deemed to be part of that facility or county jail.

(6) An additional ~~((twenty-four))~~ 24 months shall be added to the standard sentence range for any ranked offense involving a violation of chapter 69.50 RCW if the offense was also a violation of RCW ~~((69.50.435 or))~~ 9.94A.827. ~~((All enhancements under this subsection shall run consecutively to all other sentencing provisions, for all offenses sentenced under this chapter.))~~

(7) An additional two years shall be added to the standard sentence range for vehicular homicide committed while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502 for each prior offense as defined in RCW 46.61.5055.

Notwithstanding any other provision of law, all impaired driving enhancements under this subsection are mandatory ~~((shall be served in total confinement,))~~ and shall run consecutively to all other sentencing provisions, including other impaired driving enhancements, for all offenses sentenced under this chapter. If the offender has three or more prior offenses as defined in RCW 46.61.5055, all enhancements in this subsection must be served in total confinement.

An offender serving a sentence under this subsection may be granted an extraordinary medical placement when authorized under RCW 9.94A.728(1)(c).

(8)(a) The following additional times shall be added to the standard sentence range for felony crimes committed on or after July 1, 2006, if the offense was committed with sexual motivation, as that term is defined in RCW 9.94A.030. If the offender is being sentenced for more than one offense, the sexual motivation enhancement must be added to the total period of ~~((total))~~ confinement for all offenses, regardless of which underlying offense is subject to a sexual motivation enhancement. If the offender committed the offense with sexual motivation and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW, the following additional times shall be added to the standard sentence range determined under subsection (2) of this section based on the felony crime of conviction as classified under RCW 9A.28.020:

(i) Two years for any felony defined under the law as a class A felony or with a statutory maximum sentence of at least ~~((twenty))~~ 20 years, or both;

(ii) Eighteen months for any felony defined under any law as a class B felony or with a statutory maximum sentence of ~~((ten))~~ 10 years, or both;

(iii) One year for any felony defined under any law as a class C felony or with a statutory maximum sentence of five years, or both;

(iv) If the offender is being sentenced for any sexual motivation

enhancements under (a) (i), (ii), and/or (iii) of this subsection and the offender has previously been sentenced for any sexual motivation enhancements on or after July 1, 2006, under (a) (i), (ii), and/or (iii) of this subsection, all sexual motivation enhancements under this subsection shall be twice the amount of the enhancement listed;

(b) Notwithstanding any other provision of law, all sexual motivation enhancements under this subsection are mandatory (~~(, shall be served in total confinement,)~~) and shall run consecutively to all other sentencing provisions, including other sexual motivation enhancements, for all offenses sentenced under this chapter. However, whether or not a mandatory minimum term has expired, an offender serving a sentence under this subsection may be:

(i) Granted an extraordinary medical placement when authorized under RCW 9.94A.728(1)(c); or

(ii) Released under the provisions of RCW 9.94A.730;

(c) The sexual motivation enhancements in this subsection apply to all felony crimes;

(d) If the standard sentence range under this subsection exceeds the statutory maximum sentence for the offense, the statutory maximum sentence shall be the presumptive sentence unless the offender is a persistent offender (~~(- If the addition of a sexual motivation enhancement increases the sentence so that it would exceed the statutory maximum for the offense, the portion of the sentence representing the enhancement may not be reduced.)~~);

(e) (~~The portion of the total confinement sentence which the offender must serve under this subsection shall be calculated before any earned early release time is credited to the offender;~~

~~(f))~~) Nothing in this subsection prevents a sentencing court from imposing a sentence outside the standard sentence range pursuant to RCW 9.94A.535.

(9) An additional one-year enhancement shall be added to the standard sentence range for the felony crimes of RCW 9A.44.073, 9A.44.076, 9A.44.079, 9A.44.083, 9A.44.086, or 9A.44.089 committed on or after July 22, 2007, if the offender engaged, agreed, or offered

to engage the victim in the sexual conduct in return for a fee. If the offender is being sentenced for more than one offense, the one-year enhancement must be added to the total period of ~~((total))~~ confinement for all offenses, regardless of which underlying offense is subject to the enhancement. If the offender is being sentenced for an anticipatory offense for the felony crimes of RCW 9A.44.073, 9A.44.076, 9A.44.079, 9A.44.083, 9A.44.086, or 9A.44.089, and the offender attempted, solicited another, or conspired to engage, agree, or offer to engage the victim in the sexual conduct in return for a fee, an additional one-year enhancement shall be added to the standard sentence range determined under subsection (2) of this section. For purposes of this subsection, "sexual conduct" means sexual intercourse or sexual contact, both as defined in chapter 9A.44 RCW.

~~(10) ((a) For a person age eighteen or older convicted of any criminal street gang-related felony offense for which the person compensated, threatened, or solicited a minor in order to involve the minor in the commission of the felony offense, the standard sentence range is determined by locating the sentencing grid sentence range defined by the appropriate offender score and the seriousness level of the completed crime, and multiplying the range by one hundred twenty five percent. If the standard sentence range under this subsection exceeds the statutory maximum sentence for the offense, the statutory maximum sentence is the presumptive sentence unless the offender is a persistent offender.~~

~~(b) This subsection does not apply to any criminal street gang-related felony offense for which involving a minor in the commission of the felony offense is an element of the offense.~~

~~(c) The increased penalty specified in (a) of this subsection is unavailable in the event that the prosecution gives notice that it will seek an exceptional sentence based on an aggravating factor under RCW 9.94A.535.~~

~~(11))~~) An additional ~~((twelve))~~ 12 months and one day shall be added to the standard sentence range for a conviction of attempting to elude a police vehicle as defined by RCW 46.61.024, if the conviction included a finding by special

allegation of endangering one or more persons under RCW 9.94A.834.

~~((112))~~ (11) An additional ~~((twelve))~~ 12 months shall be added to the standard sentence range for an offense that is also a violation of RCW 9.94A.831.

~~((113))~~ (12) An additional ~~((twelve))~~ 12 months shall be added to the standard sentence range for vehicular homicide committed while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.520 or for vehicular assault committed while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.522, or for any felony driving under the influence (RCW 46.61.502(6)) or felony physical control under the influence (RCW 46.61.504(6)) for each child passenger under the age of ~~((sixteen))~~ 16 who is an occupant in the defendant's vehicle. These enhancements shall be mandatory ~~((shall be served in total confinement,))~~ and shall run consecutively to all other sentencing provisions, including other minor child enhancements, for all offenses sentenced under this chapter. ~~((If the addition of a minor child enhancement increases the sentence so that it would exceed the statutory maximum for the offense, the portion of the sentence representing the enhancement shall be mandatory, shall be served in total confinement, and shall run consecutively to all other sentencing provisions.))~~ If the defendant has three or more prior offenses as defined in RCW 46.61.5055, all enhancements in this subsection must be served in total confinement.

~~((114))~~ (13) An additional ~~((twelve))~~ 12 months shall be added to the standard sentence range for an offense that is also a violation of RCW 9.94A.832.

~~((115))~~ (14) Regardless of any provisions in this section, if a person is being sentenced in adult court for a crime committed under age ~~((eighteen))~~ 18, the court has full discretion to depart from mandatory sentencing enhancements and to take the particular circumstances surrounding the defendant's youth into account.

**Sec. 4.** RCW 9.94A.599 and 1998 c 235 s 3 are each amended to read as follows:

If the presumptive sentence duration given in the sentencing grid exceeds the statutory maximum sentence for the offense, the statutory maximum sentence shall be the presumptive sentence. ~~((If~~

~~the addition of a firearm or deadly weapon enhancement increases the sentence so that it would exceed the statutory maximum for the offense, the portion of the sentence representing the enhancement may not be reduced.))~~

**Sec. 5.** RCW 9.94A.729 and 2020 c 330 s 2 are each amended to read as follows:

(1)(a) The term of the sentence of an offender committed to a correctional facility operated by the department may be reduced by earned release time in accordance with procedures that shall be developed and adopted by the correctional agency having jurisdiction in which the offender is confined. The earned release time shall be for good behavior and good performance, as determined by the correctional agency having jurisdiction. The correctional agency shall not credit the offender with earned release credits in advance of the offender actually earning the credits.

(b) Any program established pursuant to this section shall allow an offender to earn early release credits for presentence incarceration. If an offender is transferred from a county jail to the department, the administrator of a county jail facility shall certify to the department the amount of time spent in custody at the facility and the number of days of early release credits lost or not earned. The department may approve a jail certification from a correctional agency that calculates early release time based on the actual amount of confinement time served by the offender before sentencing when an erroneous calculation of confinement time served by the offender before sentencing appears on the judgment and sentence. The department must adjust an offender's rate of early release listed on the jail certification to be consistent with the rate applicable to offenders in the department's facilities. However, the department is not authorized to adjust the number of presentence early release days that the jail has certified as lost or not earned.

(2) ~~((a) An offender who has been convicted of a felony committed after July 23, 1995, that involves any applicable deadly weapon enhancements under RCW 9.94A.533 (3) or (4), or both, shall not receive any good time credits or earned release time for that portion of his or her sentence that results from any deadly weapon enhancements.~~

~~(b) An offender whose sentence includes any impaired driving enhancements under RCW 9.94A.533(7), minor child enhancements under RCW 9.94A.533(13), or both, shall not receive any good time credits or earned release time for any portion of his or her sentence that results from those enhancements.~~

~~(3))~~ An offender may earn early release time as follows:

(a) In the case of an offender sentenced pursuant to RCW 10.95.030(3) or 10.95.035, the offender may not receive any earned early release time during the minimum term of confinement imposed by the court; for any remaining portion of the sentence served by the offender, the aggregate earned release time may not exceed ~~((ten))~~ 10 percent of the sentence.

(b) In the case of an offender convicted of a serious violent offense, or a sex offense that is a class A felony, committed on or after July 1, 1990, and before July 1, 2003, the aggregate earned release time may not exceed ~~((fifteen))~~ 15 percent of the sentence.

(c) In the case of an offender convicted of a serious violent offense, or a sex offense that is a class A felony, committed on or after July 1, 2003, the aggregate earned release time may not exceed ~~((ten))~~ 10 percent of the sentence.

(d) An offender is qualified to earn up to ~~((fifty))~~ 50 percent of aggregate earned release time if he or she:

(i) Is not classified as an offender who is at a high risk to reoffend as provided in subsection ~~((4))~~ (3) of this section;

(ii) Is not confined pursuant to a sentence for:

(A) A sex offense;

(B) A violent offense;

(C) A crime against persons as defined in RCW 9.94A.411;

(D) A felony that is domestic violence as defined in RCW 10.99.020;

(E) A violation of RCW 9A.52.025 (residential burglary);

(F) A violation of, or an attempt, solicitation, or conspiracy to violate, RCW 69.50.401 by manufacture or delivery

or possession with intent to deliver methamphetamine; or

(G) A violation of, or an attempt, solicitation, or conspiracy to violate, RCW 69.50.406 (delivery of a controlled substance to a minor);

(iii) Has no prior conviction for the offenses listed in (d)(ii) of this subsection;

(iv) Participates in programming or activities as directed by the offender's individual reentry plan as provided under RCW 72.09.270 to the extent that such programming or activities are made available by the department; and

(v) Has not committed a new felony after July 22, 2007, while under community custody.

(e) In no other case shall the aggregate earned release time exceed one-third of the total sentence.

~~((4))~~ (3) The department shall perform a risk assessment of each offender who may qualify for earned early release under subsection ~~((3))~~ (2)(d) of this section utilizing the risk assessment tool recommended by the Washington state institute for public policy. Subsection ~~((3))~~ (2)(d) of this section does not apply to offenders convicted after July 1, 2010.

~~((5))~~ (4)(a) A person who is eligible for earned early release as provided in this section and who will be supervised by the department pursuant to RCW 9.94A.501 or 9.94A.5011, shall be transferred to community custody in lieu of earned release time;

(b) The department shall, as a part of its program for release to the community in lieu of earned release, require the offender to propose a release plan that includes an approved residence and living arrangement. All offenders with community custody terms eligible for release to community custody in lieu of earned release shall provide an approved residence and living arrangement prior to release to the community;

(c) The department may deny transfer to community custody in lieu of earned release time if the department determines an offender's release plan, including proposed residence location and living arrangements, may violate the conditions of the sentence or conditions of supervision, place the offender at risk to violate the conditions of the

sentence, place the offender at risk to reoffend, or present a risk to victim safety or community safety. The department's authority under this section is independent of any court-ordered condition of sentence or statutory provision regarding conditions for community custody;

(d) If the department is unable to approve the offender's release plan, the department may do one or more of the following:

(i) Transfer an offender to partial confinement in lieu of earned early release for a period not to exceed three months. The three months in partial confinement is in addition to that portion of the offender's term of confinement that may be served in partial confinement as provided in RCW 9.94A.728(1) (e);

(ii) Provide rental vouchers to the offender for a period not to exceed three months if rental assistance will result in an approved release plan.

A voucher must be provided in conjunction with additional transition support programming or services that enable an offender to participate in services including, but not limited to, substance abuse treatment, mental health treatment, sex offender treatment, educational programming, or employment programming;

(e) The department shall maintain a list of housing providers that meets the requirements of RCW 72.09.285. If more than two voucher recipients will be residing per dwelling unit, as defined in RCW 59.18.030, rental vouchers for those recipients may only be paid to a housing provider on the department's list;

(f) For each offender who is the recipient of a rental voucher, the department shall gather data as recommended by the Washington state institute for public policy in order to best demonstrate whether rental vouchers are effective in reducing recidivism.

~~((6))~~ (5) An offender serving a term of confinement imposed under RCW 9.94A.670(5)(a) is not eligible for earned release credits under this section.

**Sec. 6.** RCW 10.01.210 and 2002 c 290 s 23 are each amended to read as follows:

Any and all law enforcement agencies and personnel, criminal justice

attorneys, sentencing judges, and state and local correctional facilities and personnel may, but are not required to, give any and all offenders either written or oral notice, or both, of the sanctions imposed and criminal justice changes regarding armed offenders, including but not limited to the subjects of:

(1) Felony crimes involving any deadly weapon special verdict under ~~((RCW 9.94A.602))~~ 9.94A.825;

(2) Any and all deadly weapon enhancements under RCW 9.94A.533 (3) or (4), or both, as well as any federal firearm, ammunition, or other deadly weapon enhancements;

(3) Any and all felony crimes requiring the possession, display, or use of any deadly weapon as well as the many increased penalties for these crimes including the creation of theft of a firearm and possessing a stolen firearm;

(4) New prosecuting standards established for filing charges for all crimes involving any deadly weapons;

~~(5) ((Removal of good time for any and all deadly weapon enhancements; and~~

~~(6))~~ Providing the death penalty for those who commit first degree murder: (a) To join, maintain, or advance membership in an identifiable group; (b) as part of a drive-by shooting; or (c) to avoid prosecution as a persistent offender as defined in RCW 9.94A.030.

**Sec. 7.** RCW 72.01.410 and 2019 c 322 s 2 are each amended to read as follows:

(1) Whenever any person is convicted as an adult in the courts of this state of a felony offense committed under the age of ~~((eighteen))~~ 18, and is committed for a term of confinement, that person shall be initially placed in a facility operated by the department of children, youth, and families. The department of corrections shall determine the person's earned release date.

(a) While in the custody of the department of children, youth, and families, the person must have the same treatment, housing options, transfer, and access to program resources as any other person committed to that juvenile correctional facility or institution pursuant to chapter 13.40 RCW. Except as provided under (d) of this subsection, treatment, placement, and program decisions shall be at the sole discretion of the department of children, youth, and

families. The person shall not be transferred to the custody of the department of corrections without the approval of the department of children, youth, and families until the person reaches the age of ~~((twenty-five))~~ 25.

(b) If the person's sentence includes a term of community custody, the department of children, youth, and families shall not release the person to community custody until the department of corrections has approved the person's release plan pursuant to RCW 9.94A.729~~((5))~~ (4)(b). If a person is held past his or her earned release date pending release plan approval, the department of children, youth, and families shall retain custody until a plan is approved or the person completes the ordered term of confinement prior to age ~~((twenty-five))~~ 25.

(c) If the department of children, youth, and families determines that retaining custody of the person in a facility of the department of children, youth, and families presents a significant safety risk, the department of children, youth, and families may transfer the person to the custody of the department of corrections.

(d) The department of corrections must retain authority over custody decisions relating to a person whose earned release date is on or after the person's ~~((twenty-fifth))~~ 25th birthday and who is placed in a facility operated by the department of children, youth, and families under this section, unless the person qualifies for partial confinement under RCW 72.01.412, and must approve any leave from the facility. When the person turns age ~~((twenty-five))~~ 25, he or she must be transferred to the department of corrections, except as described under RCW 72.01.412. The department of children, youth, and families has all routine and day-to-day operations authority for the person while the person is in its custody.

(2)(a) Except as provided in (b) and (c) of this subsection, a person under the age of ~~((eighteen))~~ 18 who is transferred to the custody of the department of corrections must be placed in a housing unit, or a portion of a housing unit, that is separated from other persons in custody who are ~~((eighteen))~~ 18 years of age or older, until the person reaches the age of ~~((eighteen))~~ 18.

(b) A person who is transferred to the custody of the department of corrections and reaches ~~((eighteen))~~ 18 years of age may remain in a housing unit for persons under the age of ~~((eighteen))~~ 18 if the secretary of corrections determines that: (i) The person's needs and the rehabilitation goals for the person could continue to be better met by the programs and housing environment that is separate from other persons in custody who are ~~((eighteen))~~ 18 years of age and older; and (ii) the programs or housing environment for persons under the age of ~~((eighteen))~~ 18 will not be substantially affected by the continued placement of the person in that environment. The person may remain placed in a housing unit for persons under the age of ~~((eighteen))~~ 18 until such time as the secretary of corrections determines that the person's needs and goals are no longer better met in that environment but in no case past the person's ~~((twenty-fifth))~~ 25th birthday.

(c) A person transferred to the custody of the department of corrections who is under the age of ~~((eighteen))~~ 18 may be housed in an intensive management unit or administrative segregation unit containing offenders ~~((eighteen))~~ 18 years of age or older if it is necessary for the safety or security of the offender or staff. In these cases, the offender must be kept physically separate from other offenders at all times.

(3) The department of children, youth, and families must review the placement of a person over age ~~((twenty-one))~~ 21 in the custody of the department of children, youth, and families under this section to determine whether the person should be transferred to the custody of the department of corrections. The department of children, youth, and families may determine the frequency of the review required under this subsection, but the review must occur at least once before the person reaches age ~~((twenty-three))~~ 23 if the person's commitment period in a juvenile institution extends beyond the person's ~~((twenty-third))~~ 23rd birthday.

**NEW SECTION. Sec. 8.** A new section is added to chapter 9.94A RCW to read as follows:

(1) For any offender who is currently serving a sentence imposed prior to the effective date of this section involving multiple, consecutive firearm or deadly weapon enhancements under RCW 9.94A.533,

either the offender or the applicable county prosecuting attorney may petition the sentencing court for resentencing on the basis that the consecutive enhancements no longer advance the interests of justice.

(2) The sentencing court may grant or deny a petition under this section. If the court grants a petition, the court shall resentence the offender in the same manner as if the offender had not previously been sentenced, except: The court may, in its discretion, order the firearm or deadly weapon enhancements to be served concurrently, regardless of the date of the offense; and the new sentence, if any, may not be greater than the initial sentence.

(3) If a resentencing hearing is scheduled pursuant to this section, the prosecuting attorney shall make reasonable efforts to notify victims and survivors of victims of the petition and the date of hearing. The prosecuting attorney shall provide victims and survivors of victims access to available victim advocates and other related services. The court shall provide an opportunity for victims and survivors of victims of any crimes for which the offender has been convicted to present a statement personally or by representation. The prosecuting attorney and the court shall comply with the requirements set forth in chapter 7.69 RCW.

(4) A resentencing under this section does not reopen a qualifying offender's conviction to challenges that would otherwise be barred.

NEW SECTION. Sec. 9. The following acts or parts of acts are each repealed:

(1) RCW 9.94A.833 (Special allegation—Involving minor in felony offense—Procedures) and 2008 c 276 s 302; and

(2) RCW 69.50.435 (Violations committed in or on certain public places or facilities—Additional penalty—Defenses—Construction—Definitions) and 2015 c 265 s 37 & 2003 c 53 s 346.

NEW SECTION. Sec. 10. The changes to restrictions on partial confinement and earned early release for sentencing enhancements under sections 3 and 5 of this act apply retroactively to offenders currently serving a sentence in any facility or institution either operated by the state or utilized under contract. Pursuant to RCW 9.94A.729, the department

of corrections shall recalculate the earned release date for any qualifying offender, regardless of the date of sentencing or date of offense. For offenders whose offense was committed prior to the effective date of this section, the recalculation shall not extend a term of incarceration beyond that to which an offender is currently subject.

NEW SECTION. Sec. 11. The legislature declares that section 10 of this act does not create any liberty interest. The department of corrections' recalculations of earned release time do not create any expectation that the percentage of earned release time will be revised before the effective date of this section, and offenders have no reason to conclude that the maximum percentage of earned release time is an entitlement. The department of corrections has discretion to implement the retroactive changes to earned early release for qualifying offenders over a period of time not to exceed 12 months following the effective date of this section.

NEW SECTION. Sec. 12. Section 1 of this act expires July 1, 2022.

NEW SECTION. Sec. 13. Section 2 of this act takes effect July 1, 2022."

Correct the title.

Representative Mosbrucker moved the adoption of amendment (951) to striking amendment (923):

On page 46, after line 28 of the striking amendment, insert the following:

"NEW SECTION. Sec. 12. (1) The department of commerce shall establish an annual grant program to reallocate the state savings achieved through the policies in this act to local jurisdictions to offset rising local costs associated with administering law enforcement activities, local correctional systems, and criminal court caseloads.

(2) All local governments are eligible to apply for grants. The department of commerce shall develop criteria for submitting applications for grant funding and for evaluating and selecting grant recipients. The selection criteria must prioritize applications based on need. Grant funds must be used to offset local costs incurred in law enforcement and correctional activities, and

criminal court caseloads. Grants must be issued on an annual basis. Initial grant recipients must be selected and funds must be issued by September 1, 2023. Grant recipients may reapply for future annual grant awards.

(3) The grant program must be funded through appropriations based on a biennial calculation by the department of corrections, with assistance of the caseload forecast council, of the projected annual savings to the department of corrections achieved through the policies in this act. The department of corrections shall report its initial projected savings to the legislature by December 1, 2022, and provide an updated calculation of projected savings on September 1, 2023, and on a biennial basis thereafter, starting with September 1, 2024, and reporting September 1st of each even year.

(4) The department of commerce must report to the legislature regarding distribution of grant funds by December 1st of each year, starting in 2023."

Re-number the remaining sections consecutively and correct any internal references accordingly.

Representative Mosbrucker spoke in favor of the adoption of the amendment to the striking amendment.

Representative Ormsby spoke against the adoption of the amendment to the striking amendment.

Amendment (951) to striking amendment (923) was not adopted.

Representative Graham moved the adoption of amendment (949) to striking amendment (923):

On page 35, at the beginning of line 7 of the striking amendment, strike "~~(69.50.435 or)~~" and insert "69.50.435 or"

On page 46, beginning on line 1 of the striking amendment, after "**Sec. 9.**" strike all material through "2003 c 53 s 346" on line 7 and insert "RCW 9.94A.833 (Special allegation—Involving minor in felony offense—Procedures) and 2008 c 276 s 302 are each repealed"

Representative Graham spoke in favor of the adoption of the amendment to the striking amendment.

Representative Hackney spoke against the adoption of the amendment to the striking amendment.

Amendment (949) to striking amendment (923) was not adopted.

Representatives Goodman and Mosbrucker spoke in favor of the adoption of the striking amendment.

Striking amendment (923) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Goodman and Hackney spoke in favor of the passage of the bill.

Representatives Mosbrucker, Graham, Orcutt, Klippert and Maycumber spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1169.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1169, and the bill passed the House by the following vote: Yeas, 53; Nays, 45; Absent, 0; Excused, 0.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cody, Davis, Dolan, Donaghy, Duerr, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, J. Johnson, Kirby, Kloba, Leavitt, Lekanoff, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Riccelli, Ryu, Santos, Sells, Senn, Simmons, Slatter, Springer, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, Wylie and Mme. Speaker.

Voting nay: Representatives Abbarno, Barkis, Boehnke, Caldier, Chambers, Chandler, Chase, Corry, Dent, Dufault, Dye, Entenman, Eslick, Gilday, Goehner, Graham, Griffey, Harris, Hoff, Jacobsen, Klicker, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Paul, Robertson, Rude, Rule, Schmick, Shewmake, Steele, Stokesbary, Sutherland, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1169, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1827, by Representatives Morgan, Simmons, Ormsby, Harris-Talley and Kloba**

**Creating the community reinvestment account and community reinvestment program.**

The bill was read the second time.



There being no objection, Second Substitute House Bill No. 1827 was substituted for House Bill No. 1827 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1827 was read the second time.

Representative Boehnke moved the adoption of amendment (925):

On page 2, line 23, after "services;" strike "and"

On page 2, line 26, after "Washington" insert "; and"

(e) Costs and fees of participants in Washington's therapeutic courts that serve residents of disproportionately impacted areas. For purposes of this subsection, "therapeutic courts" includes veterans treatment courts, adult and juvenile drug courts, family dependency treatment courts, mental health courts, and DUI courts"

Representatives Boehnke and Klippert spoke in favor of the adoption of the amendment.

Representative Ryu spoke against the adoption of the amendment.

Amendment (925) was not adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Morgan spoke in favor of the passage of the bill.

Representative Boehnke spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1827.

#### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1827, and the bill passed the House by the following vote: Yeas, 57; Nays, 41; Absent, 0; Excused, 0.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cody, Davis, Dolan, Donaghy, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, J. Johnson, Kirby, Kloba, Leavitt, Lekanoff, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rule, Ryu, Santos, Sells, Senn, Shewmake,

Simmons, Slatter, Springer, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, Wylie and Mme. Speaker.

Voting nay: Representatives Abbarno, Barkis, Boehnke, Caldier, Chambers, Chandler, Chase, Corry, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Griffey, Harris, Hoff, Jacobsen, Klicker, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Schmick, Steele, Stokesbary, Sutherland, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

SECOND SUBSTITUTE HOUSE BILL NO. 1827, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1746, by Representatives Ortiz-Self, Taylor, Davis, Ramel and Santos**

**Updating the 2015 report and recommendations for supporting student success through measuring and mitigating community risk and protective predictors since the emergence of the COVID-19 pandemic.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1746 was substituted for House Bill No. 1746 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1746 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Ortiz-Self spoke in favor of the passage of the bill.

Representative Ybarra spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1746.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1746, and the bill passed the House by the following vote: Yeas, 64; Nays, 34; Absent, 0; Excused, 0.

Voting yea: Representatives Barkis, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cody, Davis, Dolan, Donaghy, Duerr, Dye, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris, Harris-Talley, J. Johnson, Kirby, Kloba, Leavitt, Lekanoff, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, Wylie and Mme. Speaker.

Voting nay: Representatives Abbarno, Boehnke, Caldier, Chambers, Chandler, Chase, Corry, Dent, Dufault, Eslick, Gilday, Goehner, Graham, Griffey, Hoff, Jacobsen, Klicker, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Robertson, Sutherland, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

SUBSTITUTE HOUSE BILL NO. 1746, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1684, by Representatives Harris, Bateman, Fitzgibbon, Leavitt, Cody, Macri, Simmons, Pollet and Riccelli**

**Concerning public health and fluoridation of drinking water.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1684 was substituted for House Bill No. 1684 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1684 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Harris and Pollet spoke in favor of the passage of the bill.

Representatives Jacobsen and Kraft spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1684.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1684, and the bill passed the House by the following vote: Yeas, 69; Nays, 29; Absent, 0; Excused, 0.

Voting yea: Representatives Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chopp, Cody, Corry, Davis, Dolan, Donaghy, Duerr, Entenman, Fey, Fitzgibbon, Frame, Gilday, Gregerson, Hackney, Hansen, Harris, Harris-Talley, Hoff, J. Johnson, Kirby, Klippert, Kloba, Leavitt, Lekanoff, MacEwen, Macri, Morgan, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Abbarno, Chandler, Chapman, Chase, Dent, Dufault, Dye, Eslick, Goehner, Goodman, Graham, Griffey, Jacobsen, Klicker, Kraft, Kretz,

Maycumber, McCaslin, McEntire, Orcutt, Robertson, Rude, Schmick, Sutherland, Vick, Volz, Walsh, Wilcox and Young.

SUBSTITUTE HOUSE BILL NO. 1684, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2096, by Representatives Thai, Frame, Berry, Sutherland, Kloba and Pollet**

**Concerning the working families' tax exemption, also known as the working families tax credit.**

The bill was read the second time.

Representative Stokesbary moved the adoption of amendment (1045):

On page 1, beginning on line 19, after "~~year, and~~" strike all material through "~~the year~~" on line 21 and insert "was a Washington resident during the year"

On page 2, after line 23, insert the following:

"(f) "Washington resident" means an individual who is physically present and residing in this state for at least 183 days. "Washington resident" also includes an individual who is not physically present and residing in this state for at least 183 days but is the spouse of a Washington resident. For purposes of this subsection, "day" means a calendar day or any portion of a calendar day."

Representatives Stokesbary and Frame spoke in favor of the adoption of the amendment.

Amendment (1045) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Thai and Stokesbary spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 2096.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2096, and the bill passed the House by the following vote: Yeas, 96; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Dufault and Kraft.

ENGROSSED HOUSE BILL NO. 2096, having received the necessary constitutional majority, was declared passed.

The Speaker assumed the chair.

**HOUSE BILL NO. 1902, by Representatives Schmick and Pollet**

**Providing an exception to the process for reopening a workers' compensation claim when the claimant submits a reopening application in a timely manner.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1902 was substituted for House Bill No. 1902 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1902 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Schmick, Sells and Ormsby spoke in favor of the passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 1902.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1902, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen,

Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

SUBSTITUTE HOUSE BILL NO. 1902, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1738, by Representatives Peterson, Bateman, Macri, Wylie, Tharinger and Ormsby**

**Changing the total amount of outstanding indebtedness of the Washington state housing finance commission.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Peterson and Gilday spoke in favor of the passage of the bill.

Representative Steele spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 1738.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1738, and the bill passed the House by the following vote: Yeas, 66; Nays, 32; Absent, 0; Excused, 0.

Voting yea: Representatives Barkis, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chandler, Chapman, Chopp, Cody, Davis, Dolan, Donaghy, Duerr, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris-Talley, J. Johnson, Kirby, Kloba, Leavitt, Lekanoff, MacEwen, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, Wylie and Mme. Speaker.

Voting nay: Representatives Abbarno, Boehnke, Chambers, Chase, Corry, Dent, Dufault, Dye, Goehner, Harris, Hoff, Jacobsen, Klicker, Klippert, Kraft, Kretz, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Steele, Stokesbary, Sutherland, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

HOUSE BILL NO. 1738, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1769, by Representatives Duerr, Springer, Fitzgibbon, Gregerson, Walen, Macri and Slatter**

**Concerning community municipal corporations.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Duerr and Goehner spoke in favor of the passage of the bill.

Representative Klippert spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 1769.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1769, and the bill passed the House by the following vote: Yeas, 71; Nays, 27; Absent, 0; Excused, 0.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chapman, Chopp, Cody, Corry, Davis, Dolan, Donaghy, Duerr, Dye, Entenman, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Gregerson, Hackney, Hansen, Harris, Harris-Talley, Hoff, J. Johnson, Kirby, Kloba, Kretz, Leavitt, Lekanoff, Macri, Maycumber, Morgan, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Taylor, Tharinger, Valdez, Walen, Wicks, Wilcox, Wylie and Mme. Speaker.

Voting nay: Representatives Abbarno, Barkis, Boehnke, Chambers, Chandler, Chase, Dent, Dufault, Eslick, Graham, Griffey, Jacobsen, Klicker, Klippert, Kraft, MacEwen, McCaslin, McEntire, Orcutt, Rude, Sutherland, Thai, Vick, Volz, Walsh, Ybarra and Young.

HOUSE BILL NO. 1769, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1770, by Representatives Duerr, Ramel, Berry, Dolan, Fitzgibbon, Ryu, Wylie, Berg, Davis, Goodman, Macri, Peterson, Slatter, Valdez, Pollet, Hackney, Kloba and Frame**

**Strengthening energy codes.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1770 was substituted for House Bill No. 1770 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1770 was read the second time.

Representative Hoff moved the adoption of amendment (960):

On page 2, line 13, after "December 1," strike "2034" and insert "2040"

Representative Hoff spoke in favor of the adoption of the amendment.

Representative Pollet spoke against the adoption of the amendment.

Amendment (960) was not adopted.

Representative Boehnke moved the adoption of amendment (985):

On page 2, line 13, after "2034" insert ", provided that at least 60 percent of the solar equipment for photovoltaic panel installation for residential use in Washington can be recycled"

Representative Boehnke spoke in favor of the adoption of the amendment.

Representative Pollet spoke against the adoption of the amendment.

Amendment (985) was not adopted.

Representative Duerr moved the adoption of amendment (943):

On page 2, line 17, after "measures." insert "The 80 percent reduction requirement does not apply to the increased load for electronic vehicle charging."

On page 3, at the beginning of line 2, strike "exceed net-zero energy use" and insert "require more annual renewable production than a residential building is predicted to use"

On page 4, line 14, after "the" strike "reductions" and insert "70 percent reduction"

On page 4, line 16, after "RCW 19.27A.160" insert "in incremental steps by the 2027 energy code"

Representative Duerr spoke in favor of the adoption of the amendment.

Representative Goehner spoke against the adoption of the amendment.

Amendment (943) was adopted.

Representative Robertson moved the adoption of amendment (1005):

On page 2, line 17, after "measures." insert "The 80 percent reduction requirement does not apply to heating and air conditioning systems."

Representative Robertson spoke in favor of the adoption of the amendment.

Representative Duerr spoke against the adoption of the amendment.

Amendment (1005) was not adopted.

Representative Goehner moved the adoption of amendment (982):

On page 2, line 18, after "(2)" insert "The council must provide an exception to the code requirements for experimental or custom homes that are unique or showcase architectural and design elements that would otherwise be prohibited by the energy code.

(3) "

Representative Goehner spoke in favor of the adoption of the amendment.

Representative Duerr spoke against the adoption of the amendment.

Amendment (982) was not adopted.

Representative Dye moved the adoption of amendment (1003):

On page 2, line 18, after (2) insert "The state building code council may by rule establish a later effective date or suspend enforcement of any requirements of subsection (1) of this section if the council determines that there is insufficient affordable equipment and technology identified and able to meet the additional requirements.

(3) "

Representative Dye spoke in favor of the adoption of the amendment.

Representative Ramel spoke against the adoption of the amendment.

Amendment (1003) was not adopted.

Representative Hoff moved the adoption of amendment (974):

On page 2, after line 28, insert the following:

"(3) The obligation of any city, town, or county to comply with new adjustments made to the Washington state energy code or any rules implementing the code is contingent on the provision of state funding to the Washington association of building officials to provide training to its members virtually and in Vancouver, Spokane, the Tri-Cities area, Thurston County, Skagit County, and King County for every code update implementing the provisions of this act."

Representative Hoff spoke in favor of the adoption of the amendment.

Representative Ramel spoke against the adoption of the amendment.

Amendment (974) was not adopted.

Representative Goehner moved the adoption of amendment (981):

On page 2, after line 28, insert the following:

"(3) Modifications to the energy code may not impose a cost of more than \$10,000 on any housing unit."

Representative Goehner spoke in favor of the adoption of the amendment.

Representative Ramel spoke against the adoption of the amendment.

Amendment (981) was not adopted.

Representative Dent moved the adoption of amendment (986):

On page 2, after line 28, insert the following:

"(3) The Washington state energy code may not have window requirements so stringent as to prohibit windows in rooms. Windows must be allowed even if the resulting energy consumption would

exceed the required annual net energy consumption reductions."

Representative Dent spoke in favor of the adoption of the amendment.

Representative Duerr spoke against the adoption of the amendment.

Amendment (986) was not adopted.

Representative Hoff moved the adoption of amendment (959):

On page 4, after line 32, insert the following:

"NEW SECTION. Sec. 5. A new section is added to chapter 19.27A RCW to read as follows:

(1) Any changes to the Washington state energy code for residential buildings shall require a home affordability cost analysis provided by the state building code council to determine whether the changes increase or decrease the cost of accessing housing.

(2) The state building code council may contract with a public or private organization to conduct the home affordability cost analysis required in subsection (1) of this section."

Correct the title.

Representatives Hoff and Ramel spoke in favor of the adoption of the amendment.

Amendment (959) was adopted.

Representative Abbarno moved the adoption of amendment (975):

On page 4, after line 32, insert the following:

"NEW SECTION. Sec. 5. A new section is added to chapter 19.27A RCW to read as follows:

The requirements outlined in this act must not result in decreased reliability of the energy grid as determined by the department of commerce in consultation with the utilities and transportation commission."

Correct the title.

Representative Abbarno spoke in favor of the adoption of the amendment.

Representative Ramel spoke against the adoption of the amendment.

Amendment (975) was not adopted.

Representative Dent moved the adoption of amendment (984):

On page 4, after line 32, insert the following:

"NEW SECTION. Sec. 5. A new section is added to chapter 19.27A RCW to read as follows:

The Washington state energy code for residential buildings must allow for the use of gas fireplaces or secondary heat sources in residential buildings for backup heat in the event of a power outage."

Correct the title.

Representative Dent spoke in favor of the adoption of the amendment.

Representative Pollet spoke against the adoption of the amendment.

Amendment (984) was not adopted.

Representative Griffey moved the adoption of amendment (980):

Beginning on page 1, line 15, strike all of section 2

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

Correct the title.

Representative Griffey spoke in favor of the adoption of the amendment.

Representative Duerr spoke against the adoption of the amendment.

Amendment (980) was not adopted.

Representative Griffey moved the adoption of striking amendment (973):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature finds that Washington has an affordable housing crisis. There are only nine out of 49 counties where households can afford to purchase the median value

home. In the most populous county the median home price is over \$500,000. It is imperative that the government take steps to make homes more affordable and ensure that the energy code is reliant on readily available technology that is easily procured by the industry.

(2) The state building code council was directed in 2009 to achieve a 70 percent reduction in annual net energy consumption for residential and nonresidential construction by 2031. This reduction has increased the cost of housing, restricted the amount of windows that are allowed, and has been a struggle because the technology to achieve the energy efficiency is not broadly available in the market.

(3) Based on opposition from builders, engineers, air conditioning contractors, utility providers, electricity providers, natural gas providers, real estate agents, plumbers, pipefitters, HVAC service technicians, laborers, and contractors, the transition requirements to 80 percent reduction of annual net energy consumption and net zero ready buildings within four years after the 2031 deadline is aspirational and unwanted by the industry.

(4) The legislature finds that natural sunlight is good for people's health. It finds that houses should have windows that allow natural light and the ability to have fresh air circulate within a building. A requirement to reduce net energy consumption drastically requires fewer windows because windows cause the need for higher energy consumption in the winter to provide heat and air conditioning in the summer.

(5) The legislature finds for safety reasons it is important that homes are not reliant on just electricity, which is what net zero homes would require. It is important that homes have a second source of power to provide heat during winter storms when the power goes out. Natural gas heat is reliable and low cost in many locations. Natural gas fireplaces are a desirable aesthetic option in homes, as well as a back up source for heat.

(6) The legislature finds that the national renewable energy laboratory found that western Washington is the worst place outside of Alaska to put solar panels. Solar in Washington is the most expensive way to generate low carbon dioxide energy. Prewiring for solar panels adds over \$1,000 in costs to a

home and may never be used. The average payback period for solar panels if installed is 25 to 29 years. Solar panels require adjustment, cleaning, and maintenance that the average homeowner may not be able to provide, thus making it not an ideal form of energy for working families, seniors, and individuals with mobility issues.

(7) The legislature finds for every \$1,000 additional cost in a home, 2,524 more households are unable to qualify for a new mortgage in state. Strengthening the energy code with making a home net zero ready and prewiring solar panels will price tens of thousands of households out of the market, which is an undesirable outcome. It is more important to provide homes for each person that have reliable heat, hot water, and appliances at an affordable rate and avoid people living in tents on the side of the road.

(8) The legislature finds that the industry is more knowledgeable about what is possible in the marketplace to improve livability in homes while providing increased energy efficiency. There is no need for a local reach code created by government entities that will add confusion, inconsistency, and need for training of building code inspectors.

(9) The legislature respects the industry's need to have a consistent, achievable energy code. It acknowledges that this is why the state adopts codes created by the international code council. This organization makes gradual, industry-approved updates to the building codes every three years. The energy code would be strengthened by using an internationally accepted energy code rather than creating a directive of achieving goals with insufficient details for the industry to understand the costs, aesthetics of the building structure, reliability of the electrical sources for daily living, sustainability of heat in winter conditions, and overall desirability of living conditions in the building.

(10) For these reasons, the legislature finds that strengthening the energy code must be an industry-driven approach, not a government-mandated approach."

Correct the title.

Representative Griffey spoke in favor of the adoption of the amendment.

Representative Duerr spoke against the adoption of the amendment.

Striking amendment (973) was not adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Duerr and Ramel spoke in favor of the passage of the bill.

Representatives Goehner, Corry, Boehnke, Maycumber, Walsh, Barkis, Griffey, McEntire, Ybarra and Wilcox spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1770.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1770, and the bill passed the House by the following vote: Yeas, 51; Nays, 47; Absent, 0; Excused, 0.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Callan, Chandler, Chopp, Cody, Davis, Dolan, Donaghy, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, J. Johnson, Kirby, Kloba, Lekanoff, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Riccelli, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Stonier, Sullivan, Taylor, Thai, Valdez, Walen, Wicks, Wylie and Mme. Speaker.

Voting nay: Representatives Abbarno, Barkis, Boehnke, Bronoske, Caldier, Chambers, Chapman, Chase, Corry, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Griffey, Harris, Hoff, Jacobsen, Klicker, Klippert, Kraft, Kretz, Leavitt, MacEwen, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Paul, Robertson, Rude, Rule, Schmick, Springer, Steele, Stokesbary, Sutherland, Tharinger, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1770, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1571, by Representatives Mosbrucker, Dye, Boehnke, Ybarra, Jacobsen, Dent, Walen, Graham, Robertson, Maycumber, Barkis, Caldier, Goodman, Berry, Chambers, Wylie, Corry, Griffey, Walsh, Eslick, Chase, Sutherland and Ormsby**

**Concerning protections and services for indigenous persons who are missing, murdered, or survivors of human trafficking.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1571 was substituted for House Bill No. 1571 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1571 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Mosbrucker and Goodman spoke in favor of the passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 1571.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1571, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

SUBSTITUTE HOUSE BILL NO. 1571, having received the necessary constitutional majority, was declared passed.

There being no objection, the House adjourned until 10:00 a.m., February 13, 2022, the 35th Legislative Day of the Regular Session.

Laurie Jinkins, Speaker

Bernard Dean, Chief Clerk



1169	Second Reading .....	22	Second Reading.....	17
1169-S	Second Reading .....	22	Third Reading Final Passage.....	17
	Amendment Offered .....	22, 47, 48	1738	Second Reading.....
	Third Reading Final Passage .....	48		Third Reading Final Passage.....
1175	Second Reading .....	14	1744	Other Action.....
1175-S	Second Reading .....	14	1746	Second Reading.....
	Amendment Offered .....	14	1746-S	Second Reading.....
	Third Reading Final Passage .....	14		Third Reading Final Passage.....
1389	Second Reading .....	13	1755	Second Reading.....
1389-S	Second Reading .....	13		Amendment Offered.....
	Third Reading Final Passage .....	13		Third Reading Final Passage.....
1571	Second Reading .....	56	1760	Second Reading.....
1571-S	Second Reading .....	56	1760-S2	Second Reading.....
	Third Reading Final Passage .....	56		Amendment Offered.....
1638	Other Action .....	20		Third Reading Final Passage.....
1641	Other Action .....	20	1769	Second Reading.....
1643	Second Reading .....	17		Third Reading Final Passage.....
1643-S	Second Reading .....	17	1770	Second Reading.....
	Amendment Offered .....	17	1770-S	Second Reading.....
	Third Reading Final Passage .....	18		Amendment Offered.....
1666	Other Action .....	20		Third Reading Final Passage.....
1684	Second Reading .....	50	1776	Other Action.....
1684-S	Second Reading .....	50	1784	Other Action.....
	Third Reading Final Passage .....	50	1791	Other Action.....
1687	Second Reading .....	11	1812	Other Action.....
	Amendment Offered .....	11	1815	Second Reading.....
	Third Reading Final Passage .....	12	1815-S2	Second Reading.....
1704	Other Action .....	20		Amendment Offered.....
1706	Other Action .....	20		Third Reading Final Passage.....
1709	Second Reading .....	18	1818	Second Reading.....
1709-S	Second Reading .....	18	1818-S2	Second Reading.....
	Third Reading Final Passage .....	19		Third Reading Final Passage.....
1723	Second Reading .....	9	1827	Second Reading.....
1723-S2	Second Reading .....	9	1827-S2	Second Reading.....
	Amendment Offered .....	9		Amendment Offered.....
	Third Reading Final Passage .....	10		Third Reading Final Passage.....
1724	Second Reading .....	17	1841	Second Reading.....
1724-S			1841-S	Second Reading.....
				Amendment Offered.....

Third Reading Final Passage .....	16	Amendment Offered.....	50
1859		Third Reading Final Passage.....	51
Second Reading .....	20	5054	
Third Reading Final Passage .....	20, 21	Introduction & 1st Reading .....	1
Other Action .....	20, 21	5078-S	
1860		Introduction & 1st Reading .....	1
Other Action .....	20	5082-S	
1865		Introduction & 1st Reading .....	1
Second Reading .....	19	5252-S	
1865-S2		Introduction & 1st Reading .....	1
Second Reading .....	19	5406-S2	
Third Reading Final Passage .....	20	Messages .....	1
1876		5487	
Second Reading .....	7	Introduction & 1st Reading .....	2
1876-S		5528-S	
Second Reading .....	7	Messages .....	1
Amendment Offered .....	7, 8	5531-S	
Third Reading Final Passage .....	8	Introduction & 1st Reading .....	2
1902		Other Action.....	5
Second Reading .....	51	5532-S2	
1902-S		Introduction & 1st Reading .....	2
Second Reading .....	51	5539	
Third Reading Final Passage .....	51	Introduction & 1st Reading .....	2
1905		5544-S	
Second Reading .....	16	Introduction & 1st Reading .....	2
1905-S2		5555-S	
Second Reading .....	16	Introduction & 1st Reading .....	2
Third Reading Final Passage .....	17	5561	
1908		Messages .....	14
Other Action .....	20	5581-S	
1942		Introduction & 1st Reading .....	2
Second Reading .....	10	5597-S2	
Amendment Offered .....	10	Introduction & 1st Reading .....	2
Third Reading Final Passage .....	11	5619-S2	
1967		Introduction & 1st Reading .....	2
Second Reading .....	20	5628-S	
Other Action .....	20	Introduction & 1st Reading .....	2
1967-S		5638-S	
Second Reading .....	20	Messages .....	1
Third Reading Final Passage .....	21	5664-S2	
2010		Introduction & 1st Reading .....	3
Second Reading .....	18	5687	
Third Reading Final Passage .....	18	Introduction & 1st Reading .....	3
2037		5690-S	
Second Reading .....	5	Introduction & 1st Reading .....	3
2037-S		5692-S2	
Second Reading .....	5	Messages .....	1
Amendment Offered .....	6	5713	
Third Reading Final Passage .....	6	Introduction & 1st Reading .....	3
2073		5720-S2	
Other Action .....	20	Introduction & 1st Reading .....	3
2074		5736-S2	
Other Action .....	20	Messages .....	1
2076		5741-S	
Other Action .....	20	Introduction & 1st Reading .....	3
2078		5746-S2	
Second Reading .....	10	Messages .....	1
2078-S2		5747	
Second Reading .....	10	Introduction & 1st Reading .....	3
Third Reading Final Passage .....	10	5748	
2096		Introduction & 1st Reading .....	3
Second Reading .....	50	5761-S	

Introduction & 1st Reading.....	3	5873-S	
5764-S2		Introduction & 1st Reading .....	4
Introduction & 1st Reading.....	3	5875	
5781		Messages .....	1
Messages.....	1	5883-S	
5785-S		Introduction & 1st Reading .....	4
Messages.....	1	5884-S2	
5789-S2		Messages .....	14
Messages.....	1	5886-S	
5793-S2		Introduction & 1st Reading .....	5
Introduction & 1st Reading.....	3	5892-S	
5794-S		Introduction & 1st Reading .....	5
Messages.....	14	5895	
5801		Introduction & 1st Reading .....	5
Messages.....	1	5907-S	
5803-S2		Messages .....	1
Introduction & 1st Reading.....	4	5912-S	
5814-S		Messages .....	1
Messages.....	1	5919	
5819-S		Introduction & 1st Reading .....	5
Introduction & 1st Reading.....	4	5927	
5821-S		Introduction & 1st Reading .....	5
Introduction & 1st Reading.....	4	5933-S	
5838-S		Introduction & 1st Reading .....	5
Introduction & 1st Reading.....	4	5942-S	
5842-S2		Introduction & 1st Reading .....	5
Messages.....	1	5961-S	
5847-S		Introduction & 1st Reading .....	5
Introduction & 1st Reading.....	4	HOUSE OF REPRESENTATIVES (Representative	
5853-S		Bronoske presiding)	
Messages.....	1	Statement for the Journal Representative Pollet.....	9
5854		HOUSE OF REPRESENTATIVES (Representative Orwall	
Introduction & 1st Reading.....	4	presiding)	
5855		Statement for the Journal Representative Dufault .....	19
Introduction & 1st Reading.....	4		