

The department shall close the account of each county for the seventh preceding year and charge the amount of such delinquency to the tax levy of the current year. All taxes collected on and after the first day of July last preceding such certificate, on account of delinquent state taxes for the seventh preceding year shall belong to the county and by the county treasurer be credited to the current expense fund of the county in which collected.

For taxes due in 1985, the department shall add the delinquent taxes for the fifth, sixth, and seventh preceding year to the taxes due, and beginning with taxes due in 1986, the department shall add only the delinquent taxes for the fifth preceding year to the amount of taxes due each year.

Sec. 5. Section 84.56.270, chapter 15, Laws of 1961 and RCW 84.56-.270 are each amended to read as follows:

The county treasurer of any county of the state of Washington, after he has first received the approval of the board of county commissioners of such county, through a resolution duly adopted, is hereby empowered to petition the superior court in or for his county to finally cancel and completely extinguish the lien of any delinquent personal property tax which appears on the tax rolls of his county, which is more than (~~six~~) four years delinquent, which he attests to be beyond hope of collection, and the cancellation of which will not impair the obligation of any bond issue nor be precluded by any other legal impediment that might invalidate such cancellation. The superior court shall have jurisdiction to hear any such petition and to enter such order as it shall deem proper in the premises.

Passed the Senate February 28, 1984.

Passed the House February 16, 1984.

Approved by the Governor March 7, 1984.

Filed in Office of Secretary of State March 7, 1984.

CHAPTER 133

[Engrossed Senate Bill No. 3437]

MALICIOUS PROSECUTION

AN ACT Relating to malicious prosecution; amending section 1, chapter 158, Laws of 1977 ex. sess. and RCW 4.24.350; and creating new sections.

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

NEW SECTION. Sec. 1. The legislature finds that a growing number of unfounded lawsuits, claims, and liens are filed against law enforcement officers, prosecuting authorities, and judges, and against their property, having the purpose and effect of deterring those officers in the exercise of their discretion and inhibiting the performance of their public duties.

The legislature also finds that the cost of defending against such unfounded suits, claims and liens is severely burdensome to such officers, and also to the state and the various cities and counties of the state. The purpose

of section 2 of this 1984 act is to provide a remedy to those public officers and to the public.

Sec. 2. Section 1, chapter 158, Laws of 1977 ex. sess. and RCW 4.24-.350 are each amended to read as follows:

(1) In any action for damages, whether based on tort or contract or otherwise, a claim or counterclaim for damages may be litigated in the principal action for malicious prosecution on the ground that the action was instituted with knowledge that the same was false, and unfounded, malicious and without probable cause in the filing of such action, or that the same was filed as a part of a conspiracy to misuse judicial process by filing an action known to be false and unfounded.

(2) In any action, claim, or counterclaim brought by a judicial officer, prosecuting authority, or law enforcement officer for malicious prosecution arising out of the performance or purported performance of the public duty of such officer, an arrest or seizure of property need not be an element of the claim, nor do special damages need to be proved. A judicial officer, prosecuting authority, or law enforcement officer prevailing in such an action may be allowed an amount up to one thousand dollars as liquidated damages, together with a reasonable attorneys' fee, and other costs of suit. A government entity which has provided legal services to the prevailing judicial officer, prosecuting authority, or law enforcement officer has reimbursement rights to any award for reasonable attorneys' fees and other costs, but shall have no such rights to any liquidated damages allowed.

(3) No action may be brought against an attorney under this section solely because of that attorney's representation of a party in a lawsuit.

(4) As used in this section:

(a) "Judicial officer" means a justice, judge, magistrate, or other judicial officer of the state or a city, town, or county.

(b) "Prosecuting authority" means any officer or employee of the state or a city, town, or county who is authorized by law to initiate a criminal or civil proceeding on behalf of the public.

(c) "Law enforcement officer" means a member of the state patrol, a sheriff or deputy sheriff, or a member of the police force of a city, town, university, or state college, or a "wildlife agent" or "ex officio wildlife agent" as defined in RCW 77.08.010.

NEW SECTION. Sec. 3. The provisions of section 2 of this 1984 act are remedial and shall be liberally construed.

NEW SECTION. Sec. 4. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or

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

Passed the Senate February 28, 1984.

Passed the House February 16, 1984.

Approved by the Governor March 7, 1984.

Filed in Office of Secretary of State March 7, 1984.

CHAPTER 134

[Substitute Senate Bill No. 3561]

UNEMPLOYMENT COMPENSATION—FULL TIME IN ACCORDANCE WITH AGREEMENT OR CONTRACT DEFINITION

AN ACT Relating to unemployment compensation; amending section 32, chapter 35, Laws of 1945 as amended by section 1, chapter 7, Laws of 1973 2nd ex. sess. and RCW 50.04.310; and amending section 33, chapter 35, Laws of 1945 as last amended by section 6, chapter 23, Laws of 1983 1st ex. sess. and RCW 50.04.320.

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

Sec. 1. Section 32, chapter 35, Laws of 1945 as amended by section 1, chapter 7, Laws of 1973 2nd ex. sess. and RCW 50.04.310 are each amended to read as follows:

(1) An individual shall be deemed to be "unemployed" in any week during which ~~((he))~~ the individual performs no services and with respect to which no remuneration is payable to ~~((him))~~ the individual, or in any week of less than full time work, if the remuneration payable to ~~((him))~~ the individual with respect to such week is less than one and one-third times ~~((his))~~ the individual's weekly benefit amount plus five dollars. The commissioner shall prescribe regulations applicable to unemployed individuals making such distinctions in the procedures as to such types of unemployment as the commissioner deems necessary.

(2) An individual shall be deemed not to be "unemployed" during any week which falls totally within a period during which the individual, pursuant to a collective bargaining agreement or individual employment contract, is employed full time in accordance with a definition of full time contained in the agreement or contract, and for which compensation for full time work is payable. This subsection may not be applied retroactively to an individual who had no guarantee of work at the start of such period and subsequently is provided additional work by the employer.

Sec. 2. Section 33, chapter 35, Laws of 1945 as last amended by section 6, chapter 23, Laws of 1983 1st ex. sess. and RCW 50.04.320 are each amended to read as follows:

For the purpose of payment of contributions, "wages" means the remuneration paid by one employer during any calendar year to an individual in its employment under this title or the unemployment compensation law of any other state in the amount specified in RCW 50.24.010. If an employer