FIFTY EIGHTH DAY

House Chamber, Olympia, Tuesday, March 7, 2023

The House was called to order at 9:00 a.m. by the Speaker (Representative Bronoske presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Andrew Djaja and Hailey Myers. The Speaker (Representative Bronoske presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Interim Pastor Ken Coleman, First Christian Church, Bremerton.

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

RESOLUTION

HOUSE RESOLUTION NO. 2023-4622, by Representatives Bronoske and Leavitt

WHEREAS, Fumiko Kimura, a longtime 28th legislative district resident, has selflessly and compassionately dedicated her long life in Pierce County to the creation and development of Asian-inspired art; and

WHEREAS, Fumiko has been a strong leader in art education in the community and has played a key role in expanding art awareness within the Puget Sound region, more specifically awareness for Sumi painting and calligraphy; and

WHEREAS, Fumiko earned her master's degree in art education from the University of Puget Sound, and her artwork has been admired by many, collected by Microsoft, the Tacoma Art Museum, the Pierce County Library, Columbia Bank, the University of Puget Sound, and others; and

WHEREAS, Now past 90 years old, Fumiko is the only living founding member of the Puget Sound Sumi Artists Association, which was founded in 1986; and

WHEREAS, Fumiko and other artists founded the Puget Sound Sumi Artists Association with a mission to: "Encourage the advancement of artistry in sumi painting and related work in Asian brush calligraphy, and foster appreciation of sumi and brush calligraphy art in the community through exhibitions, demonstrations, and by teaching in schools and other venues;" and

WHEREAS, The Association has introduced thousands of school children to the fun of Sumi painting through in-school and community workshops, also introducing art workshops for adults and seniors; and

WHEREAS, With Fumiko's guidance, the Puget Sound Sumi Artists also offered an annual art scholarship, expanded professional skills, networking opportunities, and artistic fellowship in the community; and

WHEREAS, Fumiko has displayed great excellence in the community, and personally inspired thousands of children through her volunteer Sumi painting workshops in schools and within the Puget Sound region; and

WHEREAS, She has generously provided wisdom through mentorship for hundreds of adults through community college classes in Sumi painting and Asian calligraphy, many of which she offered free of charge; and

WHEREAS, Fumiko continues to inspire, mentor, and encourage the 70-plus members of the Puget Sound Sumi Artists Association, as well as members of the community who are eager to learn more about Sumi art through community education and outreach; and

WHEREAS, She is also the author of the book "Painting in Sumi--/Stroke on Stroke" and the co-author of another book titled "Persimmon and Frog: My Life And Art, a Kibei-Nisei's Story of Self-Discovery;"

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives honor Fumiko Kimura, for her lifelong dedication to the creation and preservation of Sumi art, and her dedication to mentorship and inspiriting others within the community; and

BE IT FURTHER RESOLVED, That the House of Representatives recognize the value of such strong dedication to art education in the community and for the outstanding example Fumiko has set for others.

HOUSE RESOLUTION NO. 4622 was adopted.

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

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

MESSAGE FROM THE SENATE

Tuesday, March 7, 2023

Mme. Speaker:

The Senate has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5102
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5236
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5582

and the same are herewith transmitted.

Colleen Rust, Deputy Secretary

MOTIONS

On motion of Representative Ramel, Representative Hansen was excused.

On motion of Representative Griffey, Representatives McClintock and Volz were excused.

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

MOTION

Representative Robertson moved that the Rules Committee be relieved of House Bill No. 1363 and that the bill be placed on the second reading calendar.

Representative Robertson spoke in favor of the motion.

Representative Fitzgibbon spoke against the motion.

The Speaker (Representative Orwall presiding) stated the question before the House to be the motion to relieve the Rules Committee of House Bill No. 1363 and place the bill on the second reading calendar.

ROLL CALL

The Clerk called the roll on the motion to relieve the Rules Committee of House Bill No. 1363 and place the bill on the second

reading calendar, and the motion failed by the following vote: Yeas, 38; Nays, 57; Absent, 0; Excused, 3

Voting Yea: Representatives Abbarno, Barkis, Barnard, Caldier, Chambers, Chandler, Cheney, Christian, Connors, Corry, Couture, Dent, Dye, Eslick, Goehner, Graham, Griffey, Harris, Hutchins, Jacobsen, Klicker, Kretz, Low, Maycumber, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Sandlin, Schmick, Schmidt, Steele, Stokesbary, Walsh, Waters, Wilcox, Ybarra

Voting Nay: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Jinkins, Kloba, Leavitt, Lekanoff, Macri, Mena, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Rule, Ryu, Santos, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Wylie

Excused: Representatives Hansen, McClintock, Volz

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

SECOND READING

HOUSE BILL NO. 1541, by Representatives Farivar, Couture, Mena, Pollet, Taylor, Ortiz-Self, Street, Thai, Reed, Waters, Fosse, Caldier, Simmons, Davis, Alvarado, Schmidt, Ryu, Griffey, Ramel, Barnard, Orwall, Hackney, Bergquist, Walen, Berry, Tharinger, Peterson, Goodman, Volz, Eslick, Stonier, Gregerson, Riccelli, Ormsby, Kloba, Doglio, Bateman, Macri and Duerr

Establishing the nothing about us without us act.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1541 was substituted for House Bill No. 1541 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1541 was read the second time.

With the consent of the House, amendment (372) was withdrawn.

Representative Farivar moved the adoption of amendment (245):

On page 2, line 22, after "examining" insert "and reporting to the legislature on"

On page 2, beginning on line 31, after "(2)" strike all material through "issue." on line 36 and insert "(a) "Statutory entity" means a multimember task force, work group, or advisory committee, that is:
(i) Temporary;
(ii) Established by legislation;
(iii) Established for the specific purpose of examining a particular policy or issue directly and tangibly affecting a particular underrepresented population; and
(iv) Required to report to the legislature on the policy or issue it is tasked with examining.
(b)"

On page 3, beginning on line 33, strike all of subsection (5)

On page 4, at the beginning of line 10, strike "(6)" and insert "(5)"

On page 4, line 12, after "(1)" strike "Beginning" and insert "Except as provided in subsection (2) of this section, beginning"

On page 5, line 1, after "(2)" insert "Statutory entities administered by the legislature must collect the information described in subsection (1) of this section and provide the information to the secretary of the senate and the chief clerk of the house of representatives but are not required to report the information to the office of equity.
(3)"

On page 5, line 22, after "participation" insert "in stakeholder engagement"

On page 5, beginning on line 23, after "experience" strike all material through "entities" on line 25

On page 6, line 4, after "liaisons," insert "members of the legislature,"

Representatives Farivar and Couture spoke in favor of the adoption of the amendment.

Amendment (245) was adopted.

Representative Farivar moved the adoption of amendment (378):

On page 3, beginning on line 28, after "(3)" strike all material through "entity" on line 29 and insert "When making appointments to a statutory entity, appointing authorities:
(a) May consult with the office of equity; and
(b) Must consult with the relevant state entities identified in the toolkit created by the office of equity pursuant to section 5 of this act, except for appointing authorities from the legislative branch"

On page 5, beginning on line 18, after "with" strike all material through "experience" on line 21 and insert "state boards and commissions that support the participation of people from underrepresented populations in policy making processes, and may consult with other relevant state agencies, departments, and offices"

On page 6, line 17, after "section;" strike "and"

On page 6, line 21, after "43.03 RCW" insert "; and
(v) A list of state entities for appointing authorities to consult with when making appointments to statutory entities"

Representatives Farivar and Couture spoke in favor of the adoption of the amendment.

Amendment (378) 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 Farivar, Couture, Dye and Griffey spoke in favor of the passage of the bill.

Representatives Schmick and Christian 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 Second Substitute House Bill No. 1541.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1541, and the bill passed the House by the following vote: Yeas, 83; Nays, 12; Absent, 0; Excused, 3

Voting Yea: Representatives Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Cheney, Chopp, Connors, Cortes, Couture, Davis, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, Mena, Morgan, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rule, Ryu, Sandlin, Santos, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representatives Abbarno, Chandler, Christian, Corry, Dent, Jacobsen, McEntire, Orcutt, Rude, Schmick, Schmidt and Walsh

Excused: Representatives Hansen, McClintock and Volz

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1541, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1052, by Representatives Ramel, Lekanoff, Bateman, Reed, Pollet, Walen, Doglio and Kloba

Providing a property tax exemption for qualified real and personal property owned or used by a nonprofit entity in providing qualified housing funded in whole or part through a local real estate excise tax.

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 Ramel 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 House Bill No. 1052.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1052, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Hansen, McClintock and Volz

HOUSE BILL NO. 1052, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1197, by Representatives Bronoske, Berry, Bateman, Simmons, Fosse, Davis and Pollet

Defining attending provider and clarifying other provider functions for workers' compensation claims, and adding psychologists as attending providers for mental health only claims.

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 Bronoske spoke in favor of the passage of the bill.

Representative Schmidt 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. 1197.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1197, and the bill passed the House by the following vote: Yeas, 64; Nays, 31; Absent, 0; Excused, 3

Voting Yea: Representatives Abbarno, Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Griffey, Hackney, Harris, Kloba, Leavitt, Lekanoff, Macri, Maycumber, Mena, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Rude, Rule, Ryu, Sandlin, Santos, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Waters, Wylie and Mme. Speaker

Voting Nay: Representatives Barkis, Barnard, Caldier, Chambers, Chandler, Cheney, Christian, Connors, Corry, Couture, Dent, Dye, Eslick, Goehner, Graham, Hutchins, Jacobsen, Klicker, Kretz, Low, McEntire, Mosbrucker, Orcutt, Robertson, Schmick, Schmidt, Steele, Stokesbary, Walsh, Wilcox and Ybarra

Excused: Representatives Hansen, McClintock and Volz

HOUSE BILL NO. 1197, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1019, by Representatives Dent, Chapman, Ryu, Corry, Sandlin, Reeves, Springer, Schmick and Davis

Creating the pesticide advisory board.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1019 was substituted for House Bill No. 1019 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1019 was read the second time.

With the consent of the House, amendment (112) was withdrawn.

Representative Lekanoff moved the adoption of amendment (116):

On page 2, beginning on line 16, after "One" strike "at-large member selected by the director through a nomination process established by the director" and insert "migrant farmworker"

Representatives Lekanoff and Dent spoke in favor of the adoption of the amendment.

Amendment (116) 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 Dent and Reeves 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. 1019.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1019, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Hansen, McClintock and Volz

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1019, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1209, by Representatives Leavitt, Griffey, Fey, Bronoske and Davis

Restricting the possession, purchase, delivery, and sale of certain equipment used to illegally process controlled substances.

The bill was read the second time.

Representative Griffey moved the adoption of amendment (237):

On page 4, after line 25, insert the following:

"NEW SECTION. **Sec. 3.** This act may be known and cited as the Tyler Lee Yates act."

Correct any internal references accordingly.

Correct the title.

Representatives Griffey and Goodman spoke in favor of the adoption of the amendment.

Amendment (237) 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 Leavitt, Mosbrucker, Griffey and Christian 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. 1209.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1209, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Hansen, McClintock and Volz

ENGROSSED HOUSE BILL NO. 1209, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1275, by Representatives Thai, Harris and Riccelli

Concerning athletic trainers.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1275 was substituted for House Bill No. 1275 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1275 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 Thai and Schmick 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. 1275.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1275, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McEntire, Mena, Morgan, Mosbrucker, Orcutt,

Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Hansen, McClintock and Volz

SUBSTITUTE HOUSE BILL NO. 1275, having received the necessary constitutional majority, was declared passed.

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

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

MESSAGE FROM THE SENATE

Tuesday, March 7, 2023

Mme. Speaker:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5145
SENATE BILL NO. 5316
SUBSTITUTE SENATE BILL NO. 5460
ENGROSSED SENATE BILL NO. 5592
SENATE BILL NO. 5725

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. 1715, by Representatives Davis, Mosbrucker, Duerr, Griffey, Walen, Lekanoff, Morgan, Callan, Ramel, Thai, Rule, Ryu, Kloba, Chopp, Pollet, Chapman, Mena, Cortes, Eslick, Bergquist and Fey

Enacting comprehensive protections for victims of domestic violence and other violence involving family members or intimate partners.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1715 was substituted for House Bill No. 1715 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1715 was read the second time.

Representative Davis moved the adoption of the striking amendment (342):

Strike everything after the enacting clause and insert the following:

"Part I. Electronic Monitoring with Victim Notification Technology

NEW SECTION. **Sec. 101.** A new section is added to chapter 43.101 RCW to read as follows:

(1) By December 1, 2023, the commission must adopt rules:

(a) Establishing standards for the operation of electronic monitoring with victim notification technology by monitoring agencies, with the goal of implementing best practices to improve victim safety;

(b) Establishing protocols for implementing court orders that include electronic monitoring with victim notification, including protocols for the installation and removal of monitoring devices to ensure uninterrupted monitoring services following release from detainment or incarceration; and

(c) Establishing any additional requirements necessary to promote compliance with RCW 2.56.260 and 9.94A.736, which may include, but not be limited to, training requirements for court officials, peace officers, 911 dispatchers, local corrections officers and staff, and other appropriate practitioners.

(2) In developing the rules required under this section, the commission must solicit input from courts of general and limited jurisdiction, local governments, monitoring agencies, and statewide associations representing law enforcement leaders, prosecutors, domestic violence victims, and domestic violence agencies.

(3) The commission must develop a model policy on electronic monitoring with victim notification technology based on best practices where the technology is being currently used in Washington. Each law enforcement agency in the state must adopt its own policy based on the model policy.

(4) For the purposes of this section:

(a) "Electronic monitoring" has the meaning provided in RCW 9.94A.030; and

(b) "Monitoring agency" has the meaning provided in RCW 9.94A.736.

NEW SECTION. **Sec. 102.** A new section is added to chapter 2.56 RCW to read as follows:

The administrative office of the courts must contract with one or more entities to:

(1) Provide additional training on electronic monitoring with victim notification technology to prosecutors, law enforcement officers, judges, domestic violence agencies, attorneys representing domestic violence survivors, and any other persons or entities deemed appropriate by the administrative office of the courts; and

(2) Create a website with information about electronic monitoring with victim notification technology, including recorded trainings, brochures or flyers, approved vendors, and specific instructions on how victims may advocate or request electronic monitoring with victim notification technology.

Part II. Access to Counsel

NEW SECTION. **Sec. 201.** (1) The office of civil legal aid shall propose a plan to standardize and expand statewide access to civil legal assistance for survivors of domestic violence as defined in RCW 7.105.010 in protection order proceedings initiated in superior and district courts and in family law proceedings. The plan must include the following specific areas of focus:

(a) Exploration of how deployment of publicly funded attorneys could integrate with existing networks of community and nonprofit organizations already providing support for domestic violence survivors;

(b) Strategies for expanding the number of private attorneys available to provide effective civil legal representation to domestic violence survivors;

(c) Strategies for incorporating high quality, culturally responsive, equity and trauma-informed assistance by nonattorneys into delivery systems where appropriate;

(d) A proposed implementation schedule and priorities;

(e) Provisions to ensure effective training, support, technical, and other assistance to ensure equity and trauma-informed legal assistance targeted to survivors at greatest risk of lethal and other aggravated harms who are unable to afford counsel;

(f) Any statutory changes necessary to implement the plan, including a description of how expanded access to counsel interacts with the appointment of counsel under RCW 7.105.240; and

(g) Any other information deemed appropriate by the office of civil legal aid.

(2) The office of civil legal aid must report the plan to the appropriate legislative committees by September 30, 2024.

(3) This section expires December 31, 2024.

NEW SECTION. **Sec. 202.** A new section is added to chapter 2.53 RCW to read as follows:

The legislature recognizes: The authority of tribes to exercise tribal court civil jurisdiction in domestic violence matters; that tribal courts and tribal programs serve residents of this state; that consistent with tribal sovereignty and the centennial accord, the state of Washington does not have the authority to direct tribal court practices or direct that counsel be appointed in tribal court civil protection proceedings; and that provisions of chapter 7.105 RCW do not apply in tribal courts. Where consistent with tribal justice system rules and practices, and upon agreement with individual tribal courts or justice systems, the state should support the provision of indigenous-informed, culturally appropriate legal support for indigenous survivors of domestic violence in tribal court domestic violence protection proceedings. To this end, and subject to appropriations for this purpose, the office of civil legal aid shall coordinate with the Indian policy advisory council at the department of social and health services and representatives of tribal justice systems to develop a plan and implementation schedule to provide indigenous-informed, culturally appropriate legal support for survivors in tribal court domestic violence protection proceedings. The office of civil legal aid shall submit the plan along with fiscal projections for its implementation to the appropriate legislative committees by December 1, 2024.

Part III. Civil Proceedings

Sec. 301. RCW 7.105.155 and 2022 c 268 s 10 are each amended to read as follows:

When service is to be completed under this chapter by a law enforcement officer:

(1) The clerk of the court shall have a copy of any order issued under this chapter, the confidential information form, as well as the petition for a protection order and any supporting materials, electronically forwarded on or before the next judicial day to the law enforcement agency in the county or municipality where the respondent resides, as specified in the order, for service upon the respondent. If the respondent has moved from that county or municipality and personal service is not required, the law enforcement agency specified in the order may serve the order;

(2) Service of an order issued under this chapter must take precedence over the service of other documents by law enforcement unless they are of a similar emergency nature;

(3) Where personal service is required, the first attempt at service must occur within 24 hours of receiving the order from the court ((~~whenever practicable, but not more than five days after receiving the order~~))unless an emergency situation renders the service infeasible. If the first attempt is not successful, no fewer than two additional attempts should be made to serve the order, particularly for respondents who present heightened risk of lethality or other risk of physical harm to the petitioner or petitioner's family or household members. All attempts at service must be documented on a proof of service form and submitted to the court in a timely manner;

(4) If service cannot be completed within 10 calendar days, the law enforcement officer shall notify the petitioner. The petitioner shall provide information sufficient to permit notification. Law enforcement shall continue to attempt to complete service unless otherwise directed by the court. In the event that the petitioner does not provide a service address for the respondent or there is evidence that the respondent is evading service, the law enforcement officer shall use law enforcement databases to assist in locating the respondent;

(5) If the respondent is in a protected person's presence at the time of contact for service, the law enforcement officer should take reasonable steps to separate the parties when possible prior to completing the service or inquiring about or collecting firearms. When the order requires the respondent to vacate the parties' shared residence, law enforcement shall take reasonable steps to ensure that the respondent has left the premises and is on notice that ((~~his or her~~))the respondent's return is a violation of the terms of the order. The law enforcement officer shall provide the respondent with copies of all forms with the exception of the confidential information form completed by the protected party and the proof of service form;

(6) Any law enforcement officer who serves a protection order on a respondent with the knowledge that the respondent requires special assistance due to a disability, brain injury, or impairment shall make a reasonable effort to accommodate the needs of the respondent to the extent practicable without compromise to the safety of the petitioner;

(7) Proof of service must be submitted to the court on the proof of service form. The form must include the date and time of service and each document that was served in order for the service to be complete, along with any details such as conduct at the time of service, threats, or avoidance of service, as well as statements regarding possession of firearms, including any denials of ownership despite positive purchase history, active concealed pistol license, or sworn statements in the petition that allege the respondent's access to, or possession of, firearms; or

(8) If attempts at service were not successful, the proof of service form or the form letter showing that the order was not served, and stating the reason it was not served, must be returned to the court by the next judicial day following the last unsuccessful attempt at service. Each attempt at service must be noted and reflected in computer aided dispatch records, with the date, time, address, and reason service was not completed.

Sec. 302. RCW 7.105.255 and 2022 c 268 s 15 are each amended to read as follows:

(1) To help ensure familiarity with the unique nature of protection order proceedings, and an understanding of trauma-informed practices and best practices in the use of new technologies for remote hearings, judicial officers, including persons who serve as judicial officers pro tempore, should receive evidence-based training on procedural justice, trauma-informed practices, gender-based violence dynamics, coercive control, elder abuse, juvenile sex offending, teen dating violence, domestic violence homicide prevention, and requirements and best practices for the surrender of weapons before presiding over protection order hearings. Trainings should be provided on an ongoing basis as best practices, research on trauma, and legislation continue to evolve. As a method of continuous training, court commissioners, including pro tempore commissioners, shall be notified by the presiding judge or court administrator upon revision of any decision made under this chapter.

(2) The administrative office of the courts shall develop training for judicial officers on the topics listed in subsection (1) of this section, which must be provided free of charge to judicial officers.

Sec. 303. RCW 7.105.310 and 2022 c 268 s 17 and 2022 c 231 s 9 are each reenacted and amended to read as follows:

(1) In issuing any type of protection order, other than an ex parte temporary antiharassment protection order as limited by subsection (2) of this section, and other than an extreme risk protection order, the court shall have broad discretion to grant such relief as the court deems proper, including an order that provides relief as follows:

(a) Restrain the respondent from committing any of the following acts against the petitioner and other persons protected by the order: Domestic violence; nonconsensual sexual conduct or nonconsensual sexual penetration; sexual abuse; stalking; acts of abandonment, abuse, neglect, or financial exploitation against a vulnerable adult; and unlawful harassment;

(b) Restrain the respondent from making any attempts to have contact, including nonphysical contact, with the petitioner or the petitioner's family or household members who are minors or other members of the petitioner's household, either directly, indirectly, or through third parties regardless of whether those third parties know of the order;

(c) Exclude the respondent from the residence that the parties share;

(d) Exclude the respondent from the residence, workplace, or school of the petitioner; or from the day care or school of a minor child;

(e) Restrain the respondent from knowingly coming within, or knowingly remaining within, a specified distance from a specified location including, but not limited to, a residence, school, day care, workplace, the protected party's person, and the protected party's vehicle. The specified distance shall presumptively be at least 1,000 feet, unless the court for good cause finds that a shorter specified distance is appropriate;

(f) If the parties have children in common, make residential provisions with regard to their minor children on the same basis as is provided in chapter 26.09 RCW. However, parenting plans as specified in chapter 26.09 RCW must not be required under this chapter. The court may not delay or defer relief under this chapter on the grounds that the parties could seek a parenting plan or modification to a parenting plan in a different action. A protection order must not be denied on the grounds that the parties have an existing parenting plan in effect. A protection order may suspend the respondent's contact with the parties' children under an existing parenting plan, subject to further orders in a family law proceeding;

(g) Order the respondent to participate in a state-certified domestic violence perpetrator treatment program approved under RCW 43.20A.735 or a state-certified sex offender treatment program approved under RCW 18.155.070;

(h) Order the respondent to obtain a mental health or chemical dependency evaluation. If the court determines that a mental health evaluation is necessary, the court shall clearly document the reason for this determination and provide a specific question or questions to be answered by the mental health professional. The court shall consider the ability of the respondent to pay for an evaluation. Minors are presumed to be unable to pay. The parent or legal guardian is responsible for costs unless the

parent or legal guardian demonstrates inability to pay;

(i) In cases where the petitioner and the respondent are students who attend the same public or private elementary, middle, or high school, the court, when issuing a protection order and providing relief, shall consider, among the other facts of the case, the severity of the act, any continuing physical danger, emotional distress, or educational disruption to the petitioner, and the financial difficulty and educational disruption that would be caused by a transfer of the respondent to another school. The court may order that the respondent not attend the public or private elementary, middle, or high school attended by the petitioner. If a minor respondent is prohibited attendance at the minor's assigned public school, the school district must provide the student comparable educational services in another setting. In such a case, the district shall provide transportation at no cost to the respondent if the respondent's parent or legal guardian is unable to pay for transportation. The district shall put in place any needed supports to ensure successful transition to the new school environment. The court shall send notice of the restriction on attending the same school as the petitioner to the public or private school the respondent will attend and to the school the petitioner attends;

(j) Require the respondent to pay the administrative court costs and service fees, as established by the county or municipality incurring the expense, and to reimburse the petitioner for costs incurred in bringing the action, including reasonable attorneys' fees or limited license legal technician fees when such fees are incurred by a person licensed and practicing in accordance with state supreme court admission and practice rule 28, the limited practice rule for limited license legal technicians. Reasonable attorneys' fees or limited licensed legal technical fees are mandatory under subsection (4) of this section. Minors are presumed to be unable to pay. The parent or legal guardian is responsible for costs unless the parent or legal guardian demonstrates inability to pay;

(k) Restrain the respondent from harassing, following, monitoring, keeping under physical or electronic surveillance, cyber harassment as defined in RCW 9A.90.120, and using telephonic, audiovisual, or other electronic means to monitor the actions, location, or communication of the petitioner or the petitioner's family or household members who are minors or other members of the petitioner's household. For the purposes of this subsection, "communication" includes both "wire communication" and "electronic communication" as defined in RCW 9.73.260;

(l) Other than for respondents who are minors, require the respondent to submit to electronic monitoring, including electronic monitoring with victim notification technology. The order must specify who shall provide the electronic monitoring services and the terms under which the monitoring must be performed. The order also may include a requirement that the respondent pay the costs of the monitoring. The court shall consider the ability of the respondent to pay for electronic monitoring;

(m) Consider the provisions of RCW 9.41.800, and order the respondent to surrender, and prohibit the respondent from accessing, having in ((~~his or her~~))the respondent's custody or control, possessing, purchasing, attempting to purchase or receive, or receiving, all firearms, dangerous weapons, and any concealed pistol license, as required in RCW 9.41.800;

(n) Order possession and use of essential personal effects. The court shall list the essential personal effects with sufficient specificity to make it clear which property is included. Personal effects may include pets. The court may order that a petitioner be granted the exclusive custody or control of any pet owned, possessed, leased, kept, or held by the petitioner, respondent, or minor child residing with either the petitioner or respondent, and may prohibit the respondent from interfering with the petitioner's efforts to obtain the pet. The court may also prohibit the respondent from knowingly coming within, or knowingly remaining within, a specified distance of specified locations where the pet is regularly found;

(o) Order use of a vehicle;

(p) Enter an order restricting the respondent from engaging in abusive litigation as set forth in chapter 26.51 RCW or in frivolous filings against the petitioner, making harassing or libelous communications about the petitioner to third parties, or making false reports to investigative agencies. A petitioner may request this relief in the petition or by separate motion. A petitioner may request this relief by separate motion at any time within five years of the date the protection order is entered even if the order has since expired. A stand-alone motion for an order restricting abusive litigation may be brought by a party who meets the requirements of chapter 26.51 RCW regardless of whether the party has previously sought a protection order under this chapter, provided the motion is made within five years of the date the order that made a finding of domestic violence was entered. In cases where a finding of domestic violence was entered pursuant to an order under chapter 26.09, 26.26, or 26.26A RCW, a motion for an order restricting abusive litigation may be brought under the family law case or as a stand-alone action filed under this chapter, when it is not reasonable or practical to file under the family law case;

(q) Restrain the respondent from committing acts of abandonment, abuse, neglect, or financial exploitation against a vulnerable adult;

(r) Require an accounting by the respondent of the disposition of the vulnerable adult's income or other resources;

(s) Restrain the transfer of either the respondent's or vulnerable adult's property, or both, for a specified period not exceeding 90 days;

(t) Order financial relief and restrain the transfer of jointly owned assets;

(u) Restrain the respondent from possessing or distributing intimate images, as defined in RCW 9A.86.010, depicting the petitioner including, but not limited to, requiring the respondent to: Take down and delete all intimate images and recordings of the petitioner in the respondent's possession or control; and cease any and all disclosure of those intimate images. The court may also inform the respondent that it would be appropriate to ask third parties in possession or control of the intimate images of this protection order to take down and delete the intimate images so that the order may not inadvertently be violated; or

(v) Order other relief as it deems necessary for the protection of the petitioner and other family or household members who are minors or vulnerable adults for whom the petitioner has sought protection, including orders or directives to a law enforcement officer, as allowed under this chapter.

(2) In an antiharassment protection order proceeding, the court may grant the relief specified in subsection (1)(c), (f), and (t) of this section only as part of a full antiharassment protection order.

(3) The court in granting a temporary antiharassment protection order or a civil antiharassment protection order shall not prohibit the respondent from exercising constitutionally protected free speech. Nothing in this section prohibits the petitioner from utilizing other civil or criminal remedies to restrain conduct or communications not otherwise constitutionally protected.

(4)(a) Except as provided in (b) of this subsection, in issuing a domestic violence, sexual assault, or stalking protection order on behalf of a prevailing petitioner, the court must order the respondent to pay reasonable attorneys' fees or limited license legal technician fees when such fees are incurred by a person licensed and practicing in accordance with state supreme court admission and practice rule 28, the limited practice rule for limited license legal technicians.

(b) If the court finds by a preponderance of the evidence that an order to pay reasonable attorneys' fees or limited license legal technician fees would be manifestly unjust or that the respondent is currently unable to pay the fees and is unlikely to be able to pay the fees in the future, the court may set the fees at a lower amount, enter into a payment plan with the respondent, or decline to order payment of the fees.

(5) The court shall not take any of the following actions in issuing a protection order.

(a) The court may not order the petitioner to obtain services including, but not limited to, drug testing, victim support services, a mental health assessment, or a psychological evaluation.

(b) The court shall not issue a full protection order to any party except upon notice to the respondent and the opportunity for a hearing pursuant to a petition or counter-petition filed and served by the party seeking relief in accordance with this chapter. Except as provided in RCW 7.105.210, the court shall not issue a temporary protection order to any party unless the party has filed a petition or counter-petition for a protection order seeking relief in accordance with this chapter.

(c) Under no circumstances shall the court deny the petitioner the type of protection order sought in the petition on the grounds that the court finds that a different type of protection order would have a less severe impact on the respondent.

((~~(5)~~))(6) The order shall specify the date the order expires, if any. For permanent orders, the court shall set the date to expire 99 years from the issuance date. The order shall also state whether the court issued the protection order following personal service, service by electronic means, service by mail, or service by publication, and whether the court has approved service by mail or publication of an order issued under this section.

Sec. 304. RCW 7.105.450 and 2022 c 268 s 21 are each amended to read as follows:

(1)(a) Whenever a domestic violence protection order, a sexual assault protection order, a stalking protection order, or a vulnerable adult protection order is granted under this chapter, or an order is granted under chapter 9A.40, 9A.44, 9A.46, 9A.88, 9.94A, 10.99, 26.09, 26.26A, or 26.26B RCW, or there is a valid foreign protection order as defined in RCW 26.52.020, or there is a Canadian domestic violence protection order as defined in RCW 26.55.010, and the respondent or person to be restrained knows of the order, a violation of any of the following provisions of the order is a gross misdemeanor, except as provided in subsections (4) and (5) of this section:

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

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

(iii) A provision prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a location, a protected party's person, or a protected party's vehicle;

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

(v) A provision requiring the respondent to submit to electronic monitoring; or

(vi) A provision of a foreign protection order or a Canadian domestic violence protection order specifically indicating that a violation will be a crime.

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

(i) May require that the respondent submit to electronic monitoring. The court shall specify who must provide the electronic monitoring services and the terms

under which the monitoring must be performed. The order also may include a requirement that the respondent pay the costs of the monitoring. The court shall consider the ability of the convicted person to pay for electronic monitoring; and

(ii) Shall impose a fine of $15, in addition to any penalty or fine imposed, for a violation of a domestic violence protection order issued under this chapter. Revenue from the $15 fine must be remitted monthly to the state treasury for deposit in the domestic violence prevention account.

(2) A law enforcement officer shall arrest without a warrant and take into custody a person whom the law enforcement officer has probable cause to believe has violated a domestic violence protection order, a sexual assault protection order, a stalking protection order, or a vulnerable adult protection order, or an order issued under chapter 9A.40, 9A.44, 9A.46, 9A.88, 9.94A, 10.99, 26.09, 26.26A, or 26.26B RCW, or a valid foreign protection order as defined in RCW 26.52.020, or a Canadian domestic violence protection order as defined in RCW 26.55.010, that restrains the person or excludes the person from a residence, workplace, school, or day care, or prohibits the person from knowingly coming within, or knowingly remaining within, a specified distance of a location, a protected party's person, or a protected party's vehicle, if the person restrained knows of the order. Presence of the order in the law enforcement computer-based criminal intelligence information system is not the only means of establishing knowledge of the order.

(3) A violation of a domestic violence protection order, a sexual assault protection order, a stalking protection order, or a vulnerable adult protection order, or an order issued under chapter 9A.40, 9A.44, 9A.46, 9A.88, 9.94A, 10.99, 26.09, 26.26A, or 26.26B RCW, or a valid foreign protection order as defined in RCW 26.52.020, or a Canadian domestic violence protection order as defined in RCW 26.55.010, shall also constitute contempt of court, and is subject to the penalties prescribed by law.

(4) Any assault that is a violation of a domestic violence protection order, a sexual assault protection order, a stalking protection order, or a vulnerable adult protection order, or an order issued under chapter 9A.40, 9A.44, 9A.46, 9A.88, 9.94A, 10.99, 26.09, 26.26A, or 26.26B RCW, or a valid foreign protection order as defined in RCW 26.52.020, or a Canadian domestic violence protection order as defined in RCW 26.55.010, and that does not amount to assault in the first or second degree under RCW 9A.36.011 or 9A.36.021 is a class C felony, and any conduct in violation of such an order that is reckless and creates a substantial risk of death or serious physical injury to another person is a class C felony.

(5) A violation of a domestic violence protection order, a sexual assault protection order, a stalking protection order, or a vulnerable adult protection order, or a court order issued under chapter 9A.40, 9A.44, 9A.46, 9A.88, 9.94A, 10.99, 26.09, 26.26A, or 26.26B RCW, or a valid foreign protection order as defined in RCW 26.52.020, or a Canadian domestic violence protection order as defined in RCW 26.55.010, is a class C felony if the offender has at least two previous convictions for violating the provisions of a domestic violence protection order, a sexual assault protection order, a stalking protection order, or a vulnerable adult protection order, or an order issued under chapter 9A.40, 9A.44, 9A.46, 9A.88, 9.94A, 10.99, 26.09, 26.26A, or 26.26B RCW, or a valid foreign protection order as defined in RCW 26.52.020, or a Canadian domestic violence protection order as defined in RCW 26.55.010. The previous convictions may involve the same victim or other victims specifically protected by the orders the offender violated.

(6)(a) A defendant arrested for violating a domestic violence protection order, sexual assault protection order, stalking protection order, or vulnerable adult protection order, or an order granted under chapter 9A.40, 9A.44, 9A.46, 9A.88, 9.94A, 10.99, 26.09, 26.26A, or 26.26B RCW, or a valid foreign protection order as defined in RCW 26.52.020, or a Canadian domestic violence protection order as defined in RCW 26.55.010, is required to appear in person before a magistrate within one judicial day after the arrest. At the time of the appearance, the court shall determine the necessity of imposing a no-contact order or other conditions of pretrial release.

(b) A defendant who is charged by citation, complaint, or information with violating any protection order identified in (a) of this subsection and not arrested shall appear in court for arraignment in person as soon as practicable, but in no event later than 14 days after the next day on which court is in session following the issuance of the citation or the filing of the complaint or information.

(7) Upon the filing of an affidavit by the petitioner or any law enforcement officer alleging that the respondent has violated a domestic violence protection order, a sexual assault protection order, a stalking protection order, or a vulnerable adult protection order, or an order granted under chapter 9A.40, 9A.44, 9A.46, 9A.88, 9.94A, 10.99, 26.09, 26.26A, or 26.26B RCW, or a valid foreign protection order as defined in RCW 26.52.020, or a Canadian domestic violence protection order as defined in RCW 26.55.010, the court may issue an order to the respondent, requiring the respondent to appear and show cause within 14 days as to why the respondent should not be found in contempt of court and punished accordingly. The hearing may be held in the court of any county or municipality in which the petitioner or respondent temporarily or permanently resides at the time of the alleged violation.

(8) Appearances required under this section are mandatory and cannot be waived.

Sec. 305. RCW 7.105.500 and 2022 c 268 s 23 are each amended to read as follows:

This section applies to modification or termination of domestic violence protection orders, sexual assault protection orders, stalking protection orders, and antiharassment protection orders.

(1) Upon a motion with notice to all parties and after a hearing, the court may modify the terms of an existing protection order or terminate an existing order.

(2) A respondent's motion to modify or terminate an existing protection order must include a declaration setting forth facts supporting the requested order for modification or termination. The nonmoving parties to the proceeding may file opposing declarations. All motions to modify or terminate shall be based on the written materials and evidence submitted to the court. The court shall set a hearing only if the court finds that adequate cause is established. If the court finds that the respondent established adequate cause, the court shall set a date for hearing the respondent's motion, which must be at least 14 days from the date the court finds adequate cause.

(3) Upon the motion of a respondent, the court may not modify or terminate an existing protection order unless the respondent proves by a preponderance of the evidence that there has been a substantial change in circumstances such that the respondent will not resume, engage in, or attempt to engage in, the following acts against the petitioner or those persons protected by the protection order if the order is terminated or modified:

(a) Acts of domestic violence, in cases involving domestic violence protection orders;

(b) Physical or nonphysical contact, in cases involving sexual assault protection orders;

(c) Acts of stalking, in cases involving stalking protection orders; or

(d) Acts of unlawful harassment, in cases involving antiharassment protection orders.

The petitioner bears no burden of proving that ((~~he or she~~))the petitioner has a current reasonable fear of harm by the respondent.

(4) In determining whether there has been a substantial change in circumstances, the court may consider the following unweighted factors, and no inference is to be drawn from the order in which the factors are listed:

(a) Whether the respondent has committed or threatened sexual assault, domestic violence, stalking, or other harmful acts against the petitioner or any other person since the protection order was entered;

(b) Whether the respondent has violated the terms of the protection order and the time that has passed since the entry of the order;

(c) Whether the respondent has exhibited suicidal ideation or attempts since the protection order was entered;

(d) Whether the respondent has been convicted of criminal activity since the protection order was entered;

(e) Whether the respondent has either acknowledged responsibility for acts of sexual assault, domestic violence, stalking, or behavior that resulted in the entry of the protection order, or successfully completed state-certified perpetrator treatment or counseling since the protection order was entered;

(f) Whether the respondent has a continuing involvement with drug or alcohol abuse, if such abuse was a factor in the protection order;

(g) Whether the petitioner consents to terminating the protection order, provided that consent is given voluntarily and knowingly; or

(h) Other factors relating to a substantial change in circumstances.

(5) In determining whether there has been a substantial change in circumstances, the court may not base its determination on the fact that time has passed without a violation of the order.

(6) Regardless of whether there is a substantial change in circumstances, the court may decline to terminate a protection order if it finds that the acts of domestic violence, sexual assault, stalking, unlawful harassment, and other harmful acts that resulted in the issuance of the protection order were of such severity that the order should not be terminated.

(7) A respondent may file a motion to modify or terminate an order no more than once in every 12-month period that the order is in effect, starting from the date of the order and continuing through any renewal period.

(8) If a person who is protected by a protection order has a child or adopts a child after a protection order has been issued, but before the protection order has expired, the petitioner may seek to include the new child in the order of protection on an ex parte basis if the child is already in the physical custody of the petitioner. If the restrained person is the legal or biological parent of the child, a hearing must be set and notice given to the restrained person prior to final modification of the full protection order.

(9) ((~~A court may~~))(a)(i) Except as provided in (a)(ii) of this subsection, a court must require the respondent to pay the petitioner for costs incurred in responding to a motion to modify or terminate a domestic violence, sexual assault, or stalking protection order, including reasonable attorneys' fees.

(ii) If the court finds by a preponderance of the evidence that an order to pay costs would be manifestly unjust or that the respondent is currently unable to pay the costs and is unlikely to be able to pay the costs in the future, the court may set the costs at a lower amount, enter into a payment plan with the respondent, or decline to order payment of the costs.

(b) A court may require the respondent to pay the petitioner for costs incurred in responding to a motion to modify or terminate any other type of protection order, including reasonable attorneys' fees.

NEW SECTION. **Sec. 306.** A new section is added to chapter 7.105 RCW to read as follows:

(1) Because of the potential for error in protection order proceedings and the danger

associated with firearm access in domestic violence situations, in any proceeding in which the court enters a temporary protection order that includes a temporary order to surrender and prohibit weapons, and after the hearing the court denies the petition for a full protection order, the order to surrender and prohibit weapons must remain in effect until the period for a petitioner to file a motion for reconsideration or revision has passed. If a motion for reconsideration or revision is filed, the order to surrender and prohibit weapons must remain in effect until the motion for reconsideration or revision is resolved.

(2) The court must notify the petitioner verbally and provide the petitioner with written information at the hearing in which the court denies the petition for a full protection order explaining the procedures and timelines for filing a motion for reconsideration or a motion for revision. The information must also include contact information for civil legal aid organizations that may assist the petitioner with a motion for reconsideration or a motion for revision.

(3) Subsection (1) of this section does not apply if allowing the order to surrender and prohibit weapons to remain in effect would be manifestly unjust including, but not limited to, situations where the court finds the temporary protection order was entirely without merit, the petitioner was engaged in abusive use of litigation, or the petitioner was exerting coercive control, as defined in RCW 7.105.010, over the respondent.

Part IV. Domestic Violence Protections

Sec. 401. RCW 10.99.033 and 2019 c 367 s 2 are each amended to read as follows:

(1) All training relating to the handling of domestic violence complaints by law enforcement officers must stress enforcement of criminal laws in domestic situations, availability of community resources, and protection of the victim. Law enforcement agencies and community organizations with expertise in the issue of domestic violence shall cooperate in all aspects of such training.

(2) The criminal justice training commission shall implement by July 28, 2019, a course of instruction for the training of law enforcement officers in Washington in the handling of domestic violence complaints. The basic law enforcement curriculum of the criminal justice training commission must include at least twenty hours of basic training instruction on the law enforcement response to domestic violence. The course of instruction, the learning and performance objectives, and the standards for the training must be developed by the commission and focus on enforcing the criminal laws, safety of the victim, and holding the perpetrator accountable for the violence. The curriculum must include training on the extent and prevalence of domestic violence, the importance of criminal justice intervention, techniques for responding to incidents that minimize the likelihood of officer injury and that promote victim safety, trauma-informed investigation and interviewing skills, evidence gathering and report writing, assistance to and services for victims and children, domestic violence homicide prevention, the intersection of firearms and domestic violence, best practices for serving and enforcing protection orders, best practices for implementation and enforcement of orders to surrender and prohibit weapons and extreme risk protection orders, the impacts that trauma may have on domestic violence victims, understanding the risks of traumatic brain injury posed by domestic violence, verification and enforcement of court orders, liability, and any additional provisions that are necessary to carry out the intention of this subsection.

(3) The criminal justice training commission shall develop and update annually an in-service training program to familiarize law enforcement officers with domestic violence laws. The program must include techniques for handling incidents of domestic violence that minimize the likelihood of injury to the officer and that promote the safety of all parties. The program must also include training on domestic violence homicide prevention, the intersection of firearms and domestic violence, best practices for serving and enforcing protection orders, and assistance to and services for victims and children. The commission shall make the training program available to all law enforcement agencies in the state.

(4) Development of the training in subsections (2) and (3) of this section must be conducted in conjunction with agencies having a primary responsibility for serving victims of domestic violence with emergency shelter and other services, and representatives to the statewide organization providing training and education to these organizations and to the general public.

Sec. 402. RCW 10.99.040 and 2021 c 215 s 122 are each amended to read as follows:

(1) Because of the serious nature of domestic violence, the court in domestic violence actions:

(a) Shall not dismiss any charge or delay disposition because of concurrent dissolution or other civil proceedings;

(b) Shall not require proof that either party is seeking a dissolution of marriage prior to instigation of criminal proceedings;

(c) Shall waive any requirement that the victim's location be disclosed to any person, other than the attorney of a criminal defendant, upon a showing that there is a possibility of further violence: PROVIDED, That the court may order a criminal defense attorney not to disclose to his or her client the victim's location; and

(d) Shall identify by any reasonable means on docket sheets those criminal actions arising from acts of domestic violence; and

(e) Shall not deny issuance of a no-contact order based on the existence of an

applicable civil protection order preventing the defendant from contacting the victim.

(2)(a) Because of the likelihood of repeated violence directed at those who have been victims of domestic violence in the past, when any person charged with or arrested for a crime involving domestic violence is released from custody before arraignment or trial on bail or personal recognizance, the court authorizing the release may prohibit that person from having any contact with the victim. The jurisdiction authorizing the release shall determine whether that person should be prohibited from having any contact with the victim. If there is no outstanding restraining or protective order prohibiting that person from having contact with the victim, the court authorizing release may issue, by telephone, a no-contact order prohibiting the person charged or arrested from having contact with the victim or from knowingly coming within, or knowingly remaining within, a specified distance of a location.

(b) In issuing the order, the court shall consider the provisions of RCW 9.41.800, and shall order the defendant to surrender, and prohibit the person from possessing, all firearms, dangerous weapons, and any concealed pistol license as required in RCW 9.41.800.

(c) The no-contact order shall also be issued in writing as soon as possible, and shall state that it may be extended as provided in subsection (3) of this section. By January 1, 2011, the administrative office of the courts shall develop a pattern form for all no-contact orders issued under this chapter. A no-contact order issued under this chapter must substantially comply with the pattern form developed by the administrative office of the courts.

(3)(a) At the time of arraignment the court shall determine whether a no-contact order shall be issued or extended. So long as the court finds probable cause, the court may issue or extend a no-contact order even if the defendant fails to appear at arraignment. The no-contact order shall terminate if the defendant is acquitted or the charges are dismissed.

(b) In issuing the order, the court shall consider all information documented in the incident report concerning the person's possession of and access to firearms and whether law enforcement took temporary custody of firearms at the time of the arrest. The court may as a condition of release prohibit the defendant from possessing or accessing firearms and order the defendant to immediately surrender all firearms and any concealed pistol license to a law enforcement agency upon release.

(c) If a no-contact order is issued or extended, the court may also include in the conditions of release a requirement that the defendant submit to electronic monitoring as defined in RCW 9.94A.030. If electronic monitoring is ordered, the court shall specify who shall provide the monitoring services, and the terms under which the monitoring shall be performed. Upon conviction, the court may require as a condition of the sentence that the defendant ((~~reimburse the providing agency for~~))pay the costs of the electronic monitoring. If a defendant enters into a deferred prosecution or stipulated order of continuance, the applicable order or agreement may require the defendant pay the costs of the electronic monitoring.

(4)(a) Willful violation of a court order issued under subsection (2), (3), or (7) of this section is punishable under RCW 7.105.450.

(b) The written order releasing the person charged or arrested shall contain the court's directives and shall bear the legend: "Violation of this order is a criminal offense under chapter 7.105 RCW and will subject a violator to arrest; any assault, drive-by shooting, or reckless endangerment that is a violation of this order is a felony. You can be arrested even if any person protected by the order invites or allows you to violate the order's prohibitions. You have the sole responsibility to avoid or refrain from violating the order's provisions. Only the court can change the order."

(c) A certified copy of the order shall be provided to the victim.

(5) If a no-contact order has been issued prior to charging, that order shall expire at arraignment or within seventy-two hours if charges are not filed.

(6) Whenever a no-contact order is issued, modified, or terminated under subsection (2) or (3) of this section, the clerk of the court shall forward a copy of the order on or before the next judicial day to the appropriate law enforcement agency specified in the order. Upon receipt of the copy of the order the law enforcement agency shall enter the order for one year or until the expiration date specified on the order into any computer-based criminal intelligence information system available in this state used by law enforcement agencies to list outstanding warrants. Entry into the computer-based criminal intelligence information system constitutes notice to all law enforcement agencies of the existence of the order. The order is fully enforceable in any jurisdiction in the state. Upon receipt of notice that an order has been terminated under subsection (3) of this section, the law enforcement agency shall remove the order from the computer-based criminal intelligence information system.

(7) All courts shall develop policies and procedures by January 1, 2011, to grant victims a process to modify or rescind a no-contact order issued under this chapter. The administrative office of the courts shall develop a model policy to assist the courts in implementing the requirements of this subsection.

Part V. Firearms and Dangerous Weapons

Sec. 501. RCW 9.41.340 and 2020 c 29 s 5 are each amended to read as follows:

(1)(a) Each law enforcement agency shall develop a notification protocol that ((~~allows~~)):

(i) Allows a family or household member or intimate partner to use an incident or case number to request to be notified when a law enforcement agency returns a privately

owned firearm to the individual from whom it was obtained or to an authorized representative of that person; and

(ii) Requires, once the portal created under section 804 of this act is available, immediate law enforcement entry in a portal created and maintained by the Washington association of sheriffs and police chiefs with the intended purpose to provide timely and accurate information to the statewide automated protected person notification system created under RCW 36.28A.410 when a law enforcement agency returns a privately owned firearm to any respondent identified in a no-contact order, restraining order, or protection order.

((~~(a)~~))(b)(i) Notification may be made via telephone, email, text message, or another method that allows notification to be provided without unnecessary delay.

((~~(b)~~))(ii) If a law enforcement agency is in possession of more than one privately owned firearm from ((~~a single person~~))an individual, notification relating to the return of one firearm shall be considered notification for all privately owned firearms for that person.

(2) A law enforcement agency shall not provide notification to any party other than ((~~a family or household member or intimate partner who has an incident or case number and who has requested to be notified pursuant to this section or~~)) another criminal justice agency or as authorized or required under subsection (1) of this section.

(3) The information provided by a family or household member or intimate partner pursuant to chapter 130, Laws of 2015, including the existence of the request for notification, is not subject to public disclosure pursuant to chapter 42.56 RCW.

(4) An appointed or elected official, public employee, or public agency as defined in RCW 4.24.470, or combination of units of local government and its employees, as provided in RCW 36.28A.010, are immune from civil liability for damages for any release of information or the failure to release information related to this section, so long as the release or failure was without gross negligence.

(5) An individual who knowingly makes a request for notification under this section based on false information may be held liable under RCW 9A.76.175.

Sec. 502. RCW 9.41.345 and 2020 c 29 s 6 are each amended to read as follows:

(1) Before a law enforcement agency returns a privately owned firearm, the law enforcement agency must:

(a) Confirm that the individual to whom the firearm will be returned is the individual from whom the firearm was obtained or an authorized representative of that person;

(b) Confirm that the individual to whom the firearm will be returned is eligible to possess a firearm pursuant to RCW 9.41.040;

(c) Ensure that the firearm is not otherwise required to be held in custody or otherwise prohibited from being released; ((~~and~~))

(d) Ensure that twenty-four hours have elapsed from the time the firearm was obtained by law enforcement, unless the firearm was seized in connection with a domestic violence call pursuant to RCW 10.99.030, in which case the law enforcement agency must ensure that five business days have elapsed from the time the firearm was obtained;

(e) If a family or household member or intimate partner has requested notification, provide notice to the family or household member or intimate partner who has requested notification within one business day of verifying that the requirements in (a) through (c) of this subsection have been met; and

(f) Once the portal created under section 804 of this act is available, immediately enter in the portal created and maintained by the Washington association of sheriffs and police chiefs with the intended purpose to provide timely and accurate information to the statewide automated protected person notification system created under RCW 36.28A.410, when any respondent identified in a no-contact order, restraining order, or protection order has met the requirements in (a) through (c) of this subsection. Law enforcement must provide the respondent's name, date of birth, protective order number, and date the respondent is eligible to have the respondent's firearms returned.

(2)(a) Once the requirements in subsections (1) and (3) of this section have been met, a law enforcement agency must release a firearm to the individual from whom it was obtained or an authorized representative of that person upon request without unnecessary delay.

(b)(i) If a firearm cannot be returned because it is required to be held in custody or is otherwise prohibited from being released, a law enforcement agency must provide written notice to the individual from whom it was obtained within five business days of the individual requesting return of ((~~his or her~~))the firearm and specify the reason the firearm must be held in custody.

(ii) Notification may be made via email, text message, mail service, or personal service. For methods other than personal service, service shall be considered complete once the notification is sent.

(3) If ((~~a family or household member or intimate partner has requested to be notified pursuant to RCW 9.41.340~~))notification is required under subsections (1)(e) or (f) of this section, a law enforcement agency must((~~:~~

~~(a) Provide notice to the family or household member or intimate partner within one business day of verifying that the requirements in subsection (1) of this section have been met; and~~

~~(b) Hold~~))hold the firearm in custody for seventy-two hours from the time notification has been provided or information has been entered.

(4)(a) A law enforcement agency may not return a concealed pistol license that has been surrendered to, or impounded by, the law enforcement agency for any reason to the licensee until the law enforcement agency determines the licensee is eligible to

possess a firearm under state and federal law and meets the other eligibility requirements for a concealed pistol license under RCW 9.41.070.

(b) A law enforcement agency must release a concealed pistol license to the licensee without unnecessary delay, and in no case longer than five business days, after the law enforcement agency determines the requirements of (a) of this subsection have been met.

(5) The provisions of chapter 130, Laws of 2015 and subsection (4) of this section shall not apply to circumstances where a law enforcement officer has momentarily obtained a firearm or concealed pistol license from an individual and would otherwise immediately return the firearm or concealed pistol license to the individual during the same interaction.

Sec. 503. RCW 9.41.801 and 2022 c 268 s 30 are each amended to read as follows:

(1) Because of the heightened risk of lethality to petitioners when respondents to protection orders become aware of court involvement and continue to have access to firearms, and the frequency of noncompliance with court orders prohibiting possession of firearms, law enforcement and judicial processes must emphasize swift and certain compliance with court orders prohibiting access, possession, and ownership of all firearms.

(2) A law enforcement officer serving a protection order, no-contact order, or restraining order that includes an order to surrender all firearms, dangerous weapons, and a concealed pistol license under RCW 9.41.800 shall inform the respondent that the order is effective upon service and the respondent must immediately surrender all firearms and dangerous weapons in the respondent's custody, control, or possession and any concealed pistol license issued under RCW 9.41.070, and conduct any search permitted by law for such firearms, dangerous weapons, and concealed pistol license. The law enforcement officer shall take possession of all firearms, dangerous weapons, and any concealed pistol license belonging to the respondent that are surrendered, in plain sight, or discovered pursuant to a lawful search. If the order is entered in open court and the respondent appears in person, the respondent shall be provided a copy and further service is not required. If the respondent refuses to receive a copy, an agent of the court may indicate on the record that the respondent refused to receive a copy of the order. If the respondent appears remotely for the hearing, or leaves the hearing before a final ruling is issued or order signed, and the court believes the respondent has sufficient notice such that additional service is not necessary, the order must recite that the respondent appeared before the court, has actual notice of the order, the necessity for further service is waived, and proof of service of the order is not necessary. The court shall enter the service and receipt into the record. A copy of the order and service shall be transmitted immediately to law enforcement. The respondent must immediately surrender all firearms, dangerous weapons, and any concealed pistol license in a safe manner to the control of the local law enforcement agency on the day of the hearing at which the respondent was present in person or remotely. Alternatively, if personal service by a law enforcement officer is not possible, and the respondent did not appear in person or remotely at the hearing, the respondent shall surrender the firearms in a safe manner to the control of the local law enforcement agency within 24 hours of being served with the order by alternate service.

(3) At the time of surrender, a law enforcement officer taking possession of firearms, dangerous weapons, and any concealed pistol license shall issue a receipt identifying all firearms, dangerous weapons, and any concealed pistol license that have been surrendered and provide a copy of the receipt to the respondent. The law enforcement agency shall file the original receipt with the court within 24 hours after service of the order and retain a copy of the receipt, electronically whenever electronic filing is available.

(4) Upon the sworn statement or testimony of the petitioner or of any law enforcement officer alleging that the respondent has failed to comply with the surrender of firearms or dangerous weapons as required by an order issued under RCW 9.41.800 or 10.99.100, the court shall determine whether probable cause exists to believe that the respondent has failed to surrender all firearms and dangerous weapons in their possession, custody, or control. If probable cause exists that a crime occurred, the court shall issue a warrant describing the firearms or dangerous weapons and authorizing a search of the locations where the firearms and dangerous weapons are reasonably believed to be and the seizure of all firearms and dangerous weapons discovered pursuant to such search.

(5) If a person other than the respondent claims title to any firearms or dangerous weapons surrendered pursuant to this section, and the person is determined by the law enforcement agency to be the lawful owner of the firearm or dangerous weapon, the firearm or dangerous weapon shall be returned to the lawful owner, provided that:

(a) The firearm or dangerous weapon is removed from the respondent's access, custody, control, or possession and the lawful owner agrees by written document signed under penalty of perjury to store the firearm or dangerous weapon in a manner such that the respondent does not have access to or control of the firearm or dangerous weapon;

(b) The firearm or dangerous weapon is not otherwise unlawfully possessed by the owner; and

(c) The requirements of RCW 9.41.345 are met.

(6) Courts shall develop procedures to verify timely and complete compliance with orders to surrender and prohibit weapons under RCW 9.41.800 or 10.99.100, including compliance review hearings to be held as soon as possible upon receipt from law enforcement of proof of service. A compliance review hearing is not required if

the court can otherwise enter findings on the record or enter written findings that the proof of surrender or declaration of nonsurrender attested to by the person subject to the order, along with verification from law enforcement and any other relevant evidence, makes a sufficient showing that the person has timely and completely surrendered all firearms and dangerous weapons in the person's custody, control, or possession, and any concealed pistol license issued under RCW 9.41.070, to a law enforcement agency. If the court does not have a sufficient record before it on which to make such a finding, the court must set a review hearing to occur as soon as possible at which the respondent must be present and provide proof of compliance with the court's order. Courts shall make available forms that petitioners may complete and submit to the court in response to a respondent's declaration of whether the respondent has surrendered weapons.

(7)(a) If a court finds at the compliance review hearing, or any other hearing where compliance with the order to surrender and prohibit weapons is addressed, that there is probable cause to believe the respondent was aware of and failed to fully comply with the order, failed to appear at the compliance review hearing, or violated the order after the court entered findings of compliance, pursuant to its authority under chapter 7.21 RCW, the court may issue an arrest warrant and initiate a contempt proceeding to impose remedial sanctions on its own motion, or upon the motion of the prosecutor, city attorney, or the petitioner's counsel, and issue an order requiring the respondent to appear, provide proof of compliance with the order, and show cause why the respondent should not be held in contempt of court.

(b) If the respondent is not present in court at the compliance review hearing or if the court issues an order to appear and show cause after a compliance review hearing, the clerk of the court shall electronically transmit a copy of the order to show cause to the law enforcement agency where the respondent resides for personal service or service in the manner provided in the civil rules of superior court or applicable statute. Law enforcement shall also serve a copy of the order to show cause on the petitioner, either electronically or in person, at no cost.

(c) The order to show cause served upon the respondent shall state the date, time, and location of the hearing and shall include a warning that the respondent may be held in contempt of court if the respondent fails to promptly comply with the terms of the order to surrender and prohibit weapons and a warning that an arrest warrant could be issued if the respondent fails to appear on the date and time provided in the order.

(d)(i) At the show cause hearing, the respondent must be present and provide proof of compliance with the underlying court order to surrender and prohibit weapons and demonstrate why the relief requested should not be granted.

(ii) The court shall take judicial notice of the receipt filed with the court by the law enforcement agency pursuant to subsection (3) of this section. The court shall also provide sufficient notice to the law enforcement agency of the hearing. Upon receiving notice pursuant to this subsection, a law enforcement agency must:

(A) Provide the court with a complete list of firearms and other dangerous weapons surrendered by the respondent or otherwise belonging to the respondent that are in the possession of the law enforcement agency; and

(B) Provide the court with verification that any concealed pistol license issued to the respondent has been surrendered and the agency with authority to revoke the license has been notified.

(iii) If the law enforcement agency has a reasonable suspicion that the respondent is not in full compliance with the terms of the order, the law enforcement agency must submit the basis for its belief to the court, and may do so through the filing of a declaration.

(e) If the court finds the respondent in contempt, the court may impose remedial sanctions designed to ensure swift compliance with the order to surrender and prohibit weapons.

(f) The court may order a respondent found in contempt of the order to surrender and prohibit weapons to pay for any losses incurred by a party in connection with the contempt proceeding, including reasonable attorneys' fees, service fees, and other costs. The costs of the proceeding shall not be borne by the petitioner.

(8)(a) To help ensure that accurate and comprehensive information about firearms compliance is provided to judicial officers, a representative from either the prosecuting attorney's office or city attorney's office, or both, from the relevant jurisdiction may appear and be heard or submit written information at any hearing that concerns compliance with an order to surrender and prohibit weapons issued in connection with another type of protection order.

(b) Either the prosecuting attorney's office or city attorney's office, or both, from the relevant jurisdiction may designate an advocate or a staff person from their office who is not an attorney to appear on behalf of their office. Such appearance does not constitute the unauthorized practice of law.

(9)(a) An order to surrender and prohibit weapons issued pursuant to RCW 9.41.800 must state that the act of voluntarily surrendering firearms or weapons, or providing testimony relating to the surrender of firearms or weapons, pursuant to such an order, may not be used against the respondent in any criminal prosecution under this chapter, chapter 7.105 RCW, or RCW 9A.56.310.

(b) To provide relevant information to the court to determine compliance with the order, the court may allow the prosecuting attorney or city attorney to question the respondent regarding compliance.

(10) All law enforcement agencies must have policies and procedures to provide for the acceptance, storage, and return of firearms, dangerous weapons, and concealed pistol licenses that a court requires must be surrendered under RCW 9.41.800. A law enforcement agency holding any firearm or

concealed pistol license that has been surrendered under RCW 9.41.800 shall comply with the provisions of RCW 9.41.340 and 9.41.345 before the return of the firearm or concealed pistol license to the owner or individual from whom it was obtained.

(11) The administrative office of the courts shall create a statewide pattern form to assist the courts in ensuring timely and complete compliance in a consistent manner with orders issued under this chapter. The administrative office of the courts shall report annually on the number of orders issued under this chapter by each court, the degree of compliance, and the number of firearms obtained, and may make recommendations regarding additional procedures to enhance compliance and victim safety.

Sec. 504. RCW 9.41.804 and 2014 c 111 s 5 are each amended to read as follows:

((~~A~~))(1) Except as provided in subsection (2) of this section, a party ordered to surrender firearms, dangerous weapons, and ((~~his or her~~))the party's concealed pistol license under RCW 9.41.800 must file with the clerk of the court a proof of surrender and receipt form or a declaration of nonsurrender form within five judicial days of the entry of the order.

(2) A person ordered to surrender firearms or dangerous weapons under RCW 10.99.100 must file with the clerk of the court a proof of surrender and receipt form or a declaration of nonsurrender form before the defendant is released from any term of confinement, or, if the defendant is not sentenced to a term of confinement, before the conclusion of the hearing regarding the entry of the order.

Sec. 505. RCW 7.105.340 and 2022 c 268 s 19 are each amended to read as follows:

(1) Upon the issuance of any extreme risk protection order under this chapter, including a temporary extreme risk protection order, the court shall:

(a) Order the respondent to surrender to the local law enforcement agency all firearms in the respondent's custody, control, or possession, and any concealed pistol license issued under RCW 9.41.070; and

(b) Other than for ex parte temporary protection orders, direct law enforcement to revoke any concealed pistol license issued to the respondent.

(2) The law enforcement officer serving any extreme risk protection order under this chapter, including a temporary extreme risk protection order, shall request that the respondent immediately surrender all firearms in ((~~his or her~~))the respondent's custody, control, or possession, and any concealed pistol license issued under RCW 9.41.070, and conduct any search permitted by law for such firearms. The law enforcement officer shall take possession of all firearms belonging to the respondent that are surrendered, in plain sight, or discovered pursuant to a lawful search. If the order is entered in open court and the respondent appears in person, the respondent must be provided a copy and further service is not required. If the respondent refuses to accept a copy, an agent of the court may indicate on the record that the respondent refused to accept a copy of the order. If the respondent appears remotely for the hearing, or leaves the hearing before a final ruling is issued or order signed, and the court believes the respondent has sufficient notice such that additional service is not necessary, the order must recite that the respondent appeared before the court, has actual notice of the order, the necessity for further service is waived, and proof of service of the order is not necessary. The court shall enter the service and receipt into the record. A copy of the order and service must be transmitted immediately to law enforcement. The respondent must immediately surrender all firearms and any concealed pistol license, not previously surrendered, in a safe manner to the control of the local law enforcement agency on the day of the hearing at which the respondent was present in person or remotely. If the respondent is in custody, arrangements to recover the firearms must be made prior to release. Alternatively, if personal service by a law enforcement officer is not possible, and the respondent did not appear in person or remotely at the hearing, the respondent shall surrender the firearms in a safe manner to the control of the local law enforcement agency within 24 hours of being served with the order by alternate service.

(3) At the time of surrender, a law enforcement officer taking possession of a firearm or concealed pistol license shall issue a receipt identifying all firearms that have been surrendered and provide a copy of the receipt to the respondent. Within 72 hours after service of the order, the officer serving the order shall file the original receipt with the court and shall ensure that ((~~his or her~~))the officer's law enforcement agency retains a copy of the receipt.

(4) Upon the sworn statement or testimony of the petitioner or of any law enforcement officer alleging that the respondent has failed to comply with the surrender of firearms as required by an order issued under this chapter, the court shall determine whether probable cause exists to believe that the respondent has failed to surrender all firearms in ((~~his or her~~))the respondent's possession, custody, or control. If probable cause for a violation of the order exists, the court shall issue a warrant describing the firearms and authorizing a search of the locations where the firearms are reasonably believed to be and the seizure of any firearms discovered pursuant to such search.

(5) If a person other than the respondent claims title to any firearms surrendered pursuant to this section, and that person is determined by the law enforcement agency to be the lawful owner of the firearm, the firearm must be returned to that person, provided that:

(a) The firearm is removed from the respondent's custody, control, or possession, and the lawful owner provides written verification to the court regarding how the lawful owner will safely store the

firearm in a manner such that the respondent does not have access to, or control of, the firearm for the duration of the order;

(b) The court advises the lawful owner of the penalty for failure to do so; and

(c) The firearm is not otherwise unlawfully possessed by the owner.

(6) Upon the issuance of a one-year extreme risk protection order, the court shall order a new compliance review hearing date and require the respondent to appear not later than three judicial days from the issuance of the order. The court shall require a showing that the respondent has surrendered any firearms in the respondent's custody, control, or possession, and any concealed pistol license issued under RCW 9.41.070 to a law enforcement agency. The compliance review hearing is not required upon a satisfactory showing on which the court can otherwise enter findings on the record that the respondent has timely and completely surrendered all firearms in the respondent's custody, control, or possession, and any concealed pistol license issued under RCW 9.41.070 to a law enforcement agency, and is in compliance with the order. If the court does not have a sufficient record before it on which to make such a finding, the court must set a review hearing to occur as soon as possible, at which the respondent must be present and provide proof of compliance with the court's order.

(7)(a) If a court finds at the compliance review hearing, or any other hearing where compliance with the order is addressed, that there is probable cause to believe the respondent was aware of, and failed to fully comply with, the order, failed to appear at the compliance review hearing, or violated the order after the court entered findings of compliance, pursuant to its authority under chapter 7.21 RCW, the court may initiate a contempt proceeding on its own motion, or upon the motion of the prosecutor, city attorney, or the petitioner's counsel, to impose remedial sanctions, and issue an order requiring the respondent to appear, provide proof of compliance with the order, and show cause why the respondent should not be held in contempt of court.

(b) If the respondent is not present in court at the compliance review hearing or if the court issues an order to appear and show cause after a compliance review hearing, the clerk of the court shall electronically transmit a copy of the order to show cause to the law enforcement agency where the respondent resides for personal service or service in the manner provided in the civil rules of superior court or applicable statute.

(c) The order to show cause served upon the respondent shall state the date, time, and location of the hearing, and shall include a warning that the respondent may be held in contempt of court if the respondent fails to promptly comply with the terms of the extreme risk protection order and a warning that an arrest warrant could be issued if the respondent fails to appear on the date and time provided in the order to show cause.

(d)(i) At the show cause hearing, the respondent must be present and provide proof of compliance with the extreme risk protection order and demonstrate why the relief requested should not be granted.

(ii) The court shall take judicial notice of the receipt filed with the court by the law enforcement agency pursuant to subsection (3) of this section. The court shall also provide sufficient notice to the law enforcement agency of the hearing. Upon receiving notice pursuant to this subsection, a law enforcement agency must:

(A) Provide the court with a complete list of firearms surrendered by the respondent or otherwise belonging to the respondent that are in the possession of the law enforcement agency; and

(B) Provide the court with verification that any concealed pistol license issued to the respondent has been surrendered and that a law enforcement agency with authority to revoke the license has been notified.

(iii) If the law enforcement agency has a reasonable suspicion that the respondent is not in full compliance with the terms of the order, the law enforcement agency must submit the basis for its belief to the court, and may do so through the filing of an affidavit.

(e) If the court finds the respondent in contempt, the court may impose remedial sanctions designed to ensure swift compliance with the order to surrender and prohibit weapons.

(f) The court may order a respondent found in contempt of the order to pay for any losses incurred by a party in connection with the contempt proceeding, including reasonable attorneys' fees, service fees, and other costs. The costs of the proceeding must not be borne by the petitioner.

(8)(a) To help ensure that accurate and comprehensive information about firearms compliance is provided to judicial officers, a representative from either the prosecuting attorney's office or city attorney's office, or both, from the relevant jurisdiction may appear and be heard <u>or submit written information</u> at any hearing that concerns compliance with an extreme risk protection order.

(b) Either the prosecuting attorney's office or city attorney's office, or both, from the relevant jurisdiction may designate an advocate or a staff person from their office who is not an attorney to appear on behalf of their office. Such appearance does not constitute the unauthorized practice of law.

(9)(a) An extreme risk protection order must state that the act of voluntarily surrendering firearms, or providing testimony relating to the surrender of firearms, pursuant to such an order, may not be used against the respondent in any criminal prosecution under this chapter, chapter 9.41 RCW, or RCW 9A.56.310.

(b) To provide relevant information to the court to determine compliance with the order, the court may allow the prosecuting attorney or city attorney to question the respondent regarding compliance.

(10) All law enforcement agencies must develop and implement policies and procedures regarding the acceptance,

storage, and return of firearms required to be surrendered under this chapter. Any surrendered firearms must be handled and stored properly to prevent damage or degradation in appearance or function, and the condition of the surrendered firearms documented, including by digital photograph. A law enforcement agency holding any surrendered firearm or concealed pistol license shall comply with the provisions of RCW 9.41.340 and 9.41.345 before the return of the firearm or concealed pistol license to the owner or individual from whom it was obtained.

Sec. 506. RCW 10.21.050 and 2018 c 276 s 5 are each amended to read as follows:

The judicial officer in any felony, misdemeanor, or gross misdemeanor case must, in determining whether there are conditions of release that will reasonably assure the safety of any other person and the community, take into account the available information concerning:

(1) The nature and circumstances of the offense charged, including whether the offense is a crime of violence;

(2) The weight of the evidence against the defendant; and

(3) The history and characteristics of the defendant, including:

(a) The ((~~person's~~))defendant's character, physical and mental condition, family ties, employment, financial resources, length of residence in the community, community ties, past conduct, history relating to drug or alcohol abuse, criminal history, and record concerning appearance at court proceedings;

(b) Whether, at the time of the current offense or arrest, the defendant was on community supervision, probation, parole, or on other release pending trial, sentencing, appeal, or completion of sentence for an offense under federal, state, or local law; ((~~and~~))

(c) The nature and seriousness of the danger to any person or the community that would be posed by the defendant's release; and

(d) The defendant's firearms history, including purchase history, any concealed pistol license history, and the requirements of RCW 9.41.800 regarding issuance of an order to surrender and prohibit weapons.

Part VI. Residential Protections

Sec. 601. RCW 40.24.030 and 2022 c 231 s 5 are each amended to read as follows:

(1)(a) An adult person, a parent or guardian acting on behalf of a minor, or a guardian acting on behalf of an incapacitated person, ((~~as defined in RCW 11.88.010,~~)) (b) any election official as described in RCW 9A.90.120 who is a target for threats or harassment prohibited under RCW 9A.90.120(2)(b) (iii) or (iv), and any ((~~family members~~))person residing with ((~~him or her~~))them, and (c) any criminal justice participant as defined in RCW 9A.46.020 who is a target for threats or harassment prohibited under RCW 9A.46.020(2)(b) (iii) or (iv) and any criminal justice participant as defined in RCW 9A.90.120 who is a target for threats or harassment prohibited under RCW 9A.90.120(2)(b) (iii) or (iv), and any ((~~family members~~))person residing with ((~~him or her~~))them, may apply to the secretary of state to have an address designated by the secretary of state serve as the person's address or the address of the minor or incapacitated person. The secretary of state shall approve an application if it is filed in the manner and on the form prescribed by the secretary of state and if it contains:

(i) A sworn statement, under penalty of perjury, by the applicant that the applicant has good reason to believe (A) that the applicant, or the minor or incapacitated person on whose behalf the application is made, is a victim of domestic violence, sexual assault, trafficking, or stalking and that the applicant fears for ((~~his or her~~))the applicant's safety or ((~~his or her~~))the applicant's children's safety, or the safety of the minor or incapacitated person on whose behalf the application is made((~~,~~)) (B) that the applicant, as an election official as described in RCW 9A.90.120, is a target for threats or harassment prohibited under RCW 9A.90.120(2)(b) (iii) or (iv); or (C) that the applicant, as a criminal justice participant as defined in RCW 9A.46.020, is a target for threats or harassment prohibited under RCW 9A.46.020(2)(b) (iii) or (iv), or that the applicant, as a criminal justice participant as defined in RCW 9A.90.120 is a target for threats or harassment prohibited under RCW 9A.90.120(2)(b) (iii) or (iv);

(ii) If applicable, a sworn statement, under penalty of perjury, by the applicant, that the applicant has reason to believe they are a victim of (A) domestic violence, sexual assault, or stalking perpetrated by an employee of a law enforcement agency, or((~~,~~)) (B) threats or harassment prohibited under RCW 9A.90.120(2)(b) (iii) or (iv) or 9A.46.020(2)(b) (iii) or (iv);

(iii) A designation of the secretary of state as agent for purposes of service of process and for the purpose of receipt of mail;

(iv) The residential address and any telephone number where the applicant can be contacted by the secretary of state, which shall not be disclosed because disclosure will increase the risk of (A) domestic violence, sexual assault, trafficking, or stalking, or (B) threats or harassment prohibited under RCW 9A.90.120(2)(b) (iii) or (iv) or 9A.46.020(2)(b) (iii) or (iv);

(v) The signature of the applicant and of any individual or representative of any office designated in writing under RCW 40.24.080 who assisted in the preparation of the application, and the date on which the applicant signed the application.

(2) Applications shall be filed with the office of the secretary of state.

(3) Upon filing a properly completed application, the secretary of state shall certify the applicant as a program participant. Applicants shall be certified for four years following the date of filing unless the certification is withdrawn or invalidated before that date. The secretary of state shall by rule establish a renewal procedure.

(4)(a) During the application process, the secretary of state shall provide each applicant a form to direct the department of licensing to change the address of registration for vehicles or vessels solely or jointly registered to the applicant and the address associated with the applicant's driver's license or identicard to the applicant's address as designated by the secretary of state upon certification in the program. The directive to the department of licensing is only valid if signed by the applicant. The directive may only include information required by the department of licensing to verify the applicant's identity and ownership information for vehicles and vessels. This information is limited to the:

(i) Applicant's full legal name;

(ii) Applicant's Washington driver's license or identicard number;

(iii) Applicant's date of birth;

(iv) Vehicle identification number and license plate number for each vehicle solely or jointly registered to the applicant; and

(v) Hull identification number or vessel document number and vessel decal number for each vessel solely or jointly registered to the applicant.

(b) Upon certification of the applicants, the secretary of state shall transmit completed and signed directives to the department of licensing.

(c) Within 30 days of receiving a completed and signed directive, the department of licensing shall update the applicant's address on registration and licensing records.

(d) Applicants are not required to sign the directive to the department of licensing to be certified as a program participant.

(5) A person who knowingly provides false or incorrect information upon making an application or falsely attests in an application that disclosure of the applicant's address would endanger (a) the applicant's safety or the safety of the applicant's children or the minor or incapacitated person on whose behalf the application is made, (b) the safety of any election official as described in RCW 9A.90.120 who is a target for threats or harassment prohibited under RCW 9A.90.120(2)(b)(iii) or (iv), or (c) the safety of any criminal justice participant as defined in RCW 9A.46.020 who is a target for threats or harassment prohibited under RCW 9A.46.020(2)(b)(iii) or (iv) or of any criminal justice participant as defined in RCW 9A.90.120 who is a target for threats or harassment prohibited under RCW 9A.90.120(2)(b)(iii) or (iv), or any family members residing with ((~~him or her~~))them, shall be punished under RCW 40.16.030 or other applicable statutes.

Sec. 602. RCW 42.17A.710 and 2019 c 428 s 36 are each amended to read as follows:

(1) The statement of financial affairs required by RCW 42.17A.700 shall disclose the following information for the reporting individual and each member of the reporting individual's immediate family:

(a) Occupation, name of employer, and business address;

(b) Each bank account, savings account, and insurance policy in which a direct financial interest was held that exceeds twenty thousand dollars at any time during the reporting period; each other item of intangible personal property in which a direct financial interest was held that exceeds two thousand dollars during the reporting period; the name, address, and nature of the entity; and the nature and highest value of each direct financial interest during the reporting period;

(c) The name and address of each creditor to whom the value of two thousand dollars or more was owed; the original amount of each debt to each creditor; the amount of each debt owed to each creditor as of the date of filing; the terms of repayment of each debt; and the security given, if any, for each such debt. Debts arising from a "retail installment transaction" as defined in chapter 63.14 RCW (retail installment sales act) need not be reported;

(d) Every public or private office, directorship, and position held as trustee; except that an elected official or executive state officer need not report the elected official's or executive state officer's service on a governmental board, commission, association, or functional equivalent, when such service is part of the elected official's or executive state officer's official duties;

(e) All persons for whom any legislation, rule, rate, or standard has been prepared, promoted, or opposed for current or deferred compensation. For the purposes of this subsection, "compensation" does not include payments made to the person reporting by the governmental entity for which the person serves as an elected official or state executive officer or professional staff member for the person's service in office; the description of such actual or proposed legislation, rules, rates, or standards; and the amount of current or deferred compensation paid or promised to be paid;

(f) The name and address of each governmental entity, corporation, partnership, joint venture, sole proprietorship, association, union, or other business or commercial entity from whom compensation has been received in any form of a total value of two thousand dollars or more; the value of the compensation; and the consideration given or performed in exchange for the compensation;

(g) The name of any corporation, partnership, joint venture, association, union, or other entity in which is held any office, directorship, or any general partnership interest, or an ownership interest of ten percent or more; the name or title of that office, directorship, or partnership; the nature of ownership interest; and: (i) With respect to a governmental unit in which the official seeks or holds any office or position, if the entity has received compensation in any form during the preceding twelve months from the governmental unit, the value of the compensation and the consideration given or performed in exchange for the compensation; and (ii) the name of each governmental unit, corporation, partnership, joint venture, sole proprietorship, association, union, or

other business or commercial entity from which the entity has received compensation in any form in the amount of ten thousand dollars or more during the preceding twelve months and the consideration given or performed in exchange for the compensation. As used in (g)(ii) of this subsection, "compensation" does not include payment for water and other utility services at rates approved by the Washington state utilities and transportation commission or the legislative authority of the public entity providing the service. With respect to any bank or commercial lending institution in which is held any office, directorship, partnership interest, or ownership interest, it shall only be necessary to report either the name, address, and occupation of every director and officer of the bank or commercial lending institution and the average monthly balance of each account held during the preceding twelve months by the bank or commercial lending institution from the governmental entity for which the individual is an official or candidate or professional staff member, or all interest paid by a borrower on loans from and all interest paid to a depositor by the bank or commercial lending institution if the interest exceeds two thousand four hundred dollars;

(h) A list, including legal or other sufficient descriptions as prescribed by the commission, of all real property in the state of Washington, the assessed valuation of which exceeds ten thousand dollars in which any direct financial interest was acquired during the preceding calendar year, and a statement of the amount and nature of the financial interest and of the consideration given in exchange for that interest;

(i) A list, including legal or other sufficient descriptions as prescribed by the commission, of all real property in the state of Washington, the assessed valuation of which exceeds ten thousand dollars in which any direct financial interest was divested during the preceding calendar year, and a statement of the amount and nature of the consideration received in exchange for that interest, and the name and address of the person furnishing the consideration;

(j) A list, including legal or other sufficient descriptions as prescribed by the commission, of all real property in the state of Washington, the assessed valuation of which exceeds ten thousand dollars in which a direct financial interest was held. If a description of the property has been included in a report previously filed, the property may be listed, for purposes of this subsection (1)(j), by reference to the previously filed report;

(k) A list, including legal or other sufficient descriptions as prescribed by the commission, of all real property in the state of Washington, the assessed valuation of which exceeds twenty thousand dollars, in which a corporation, partnership, firm, enterprise, or other entity had a direct financial interest, in which corporation, partnership, firm, or enterprise a ten percent or greater ownership interest was held;

(l) A list of each occasion, specifying date, donor, and amount, at which food and beverage in excess of fifty dollars was accepted under RCW 42.52.150(5);

(m) A list of each occasion, specifying date, donor, and amount, at which items specified in RCW 42.52.010(9) (d) and (f) were accepted; and

(n) Such other information as the commission may deem necessary in order to properly carry out the purposes and policies of this chapter, as the commission shall prescribe by rule.

(2)(a) When judges, prosecutors, sheriffs, participants in the address confidentiality program under RCW 40.24.030, or their immediate family members are required to disclose real property that is the personal residence of the judge, prosecutor, ((~~or~~)) sheriff, or address confidentiality program participant, the requirements of subsection (1)(h) through (k) of this section may be satisfied for that property by substituting:

(i) The city or town;

(ii) The type of residence, such as a single-family or multifamily residence, and the nature of ownership; and

(iii) Such other identifying information the commission prescribes by rule for the mailing address where the property is located.

(b) Nothing in this subsection relieves the judge, prosecutor, or sheriff of any other applicable obligations to disclose potential conflicts or to recuse oneself.

(3)(a) Where an amount is required to be reported under subsection (1)(a) through (m) of this section, it may be reported within a range as provided in (b) of this subsection.

(b)

Code A	Less than thirty thousand dollars;
Code B	At least thirty thousand dollars, but less than sixty thousand dollars;
Code C	At least sixty thousand dollars, but less than one hundred thousand dollars;
Code D	At least one hundred thousand dollars, but less than two hundred thousand dollars;
Code E	At least two hundred thousand dollars, but less than five hundred thousand dollars;
Code F	At least five hundred thousand dollars, but less than seven hundred and fifty thousand dollars;
Code G	At least seven hundred fifty thousand dollars, but less than one million dollars; or
Code H	One million dollars or more.

(c) An amount of stock may be reported by number of shares instead of by market value. No provision of this subsection may be

interpreted to prevent any person from filing more information or more detailed information than required.

(4) Items of value given to an official's or employee's spouse, domestic partner, or family member are attributable to the official or employee, except the item is not attributable if an independent business, family, or social relationship exists between the donor and the spouse, domestic partner, or family member.

Part VII. Statewide Resources

NEW SECTION. **Sec. 701.** A new section is added to chapter 43.101 RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the commission must administer a grant program for establishing a statewide resource prosecutor for domestic violence cases.

(2) The grant recipient must be a statewide organization or association representing prosecuting attorneys. The grant recipient must hire a resource prosecutor for the following purposes:

(a) To provide technical assistance and research to prosecutors for prosecuting domestic violence cases;

(b) To provide training on implementation and enforcement of orders to surrender and prohibit weapons, extreme risk protection orders, first appearances, case resolution, duties regarding recovery of firearms at the scene of domestic violence incidents, service of orders to surrender weapons and extreme risk protection orders, and firearm rights restoration petitions for domestic violence perpetrators;

(c) To provide additional training and resources to prosecutors to support a trauma-informed, victim-centered approach to prosecuting domestic violence cases;

(d) To meet regularly with law enforcement agencies and prosecutors to explain legal issues and prosecutorial approaches to domestic violence cases and provide and receive feedback to improve case outcomes;

(e) To consult with the commission with respect to developing and implementing best practices for prosecuting domestic violence cases across the state; and

(f) To comply with other requirements established by the commission under this section.

(3) The commission may establish additional appropriate conditions for any grant awarded under this section. The commission may adopt necessary policies and procedures to implement and administer the grant program, including monitoring the use of grant funds and compliance with the grant requirements.

NEW SECTION. **Sec. 702.** A new section is added to chapter 43.330 RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the department shall administer a pilot program to implement domestic violence high risk teams. A domestic violence high risk team must, at a minimum, include the following four elements:

(a) Early identification of the most dangerous cases through evidence-based lethality assessments;

(b) Increased access to supportive services for high-risk victims;

(c) Increased perpetrator monitoring and accountability; and

(d) A coordinated response to high-risk cases through a multidisciplinary team.

(2) A domestic violence program must be the lead or co-lead of the domestic violence high risk teams.

NEW SECTION. **Sec. 703.** A new section is added to chapter 28B.20 RCW to read as follows:

(1) The University of Washington must establish a center of excellence in domestic violence research, policy, and practice. The center is created to:

(a) Conduct scientifically rigorous intimate partner violence research that informs policy and practice in Washington and serves as a national model;

(b) Promote a collaborative, multidisciplinary approach to addressing intimate partner violence, informed by community members and practitioners;

(c) Collaborate with and be informed by survivors and community and governmental agencies that interact with and provide services to those affected by intimate partner violence;

(d) Disseminate research findings to assist in the development of evidence-based intimate partner violence policy and practice; and

(e) Assist in the support, success, and continued training of intimate partner violence research scholars.

(2) The center must:

(a) Establish an advisory council for the center with representation from relevant disciplines across the University of Washington, representatives from systems that interact with domestic violence victims and perpetrators, and intimate partner violence community groups in order to guide development of the center's overarching goals and strategic vision. The advisory council will also assist center leadership and core center faculty in identifying priority areas of research to best inform intimate partner violence policy and practice;

(b) Award research grants to facilitate timely generation of data and research results to inform the legislature and others on key policy or practice-related issues relevant to those affected by intimate partner violence;

(c) Generate an annual report beginning December 1, 2024, on the state of domestic violence in Washington, including available prevalence data;

(d) Conduct listening sessions with survivors of intimate partner violence statewide, including survivors in urban and rural areas, black survivors, indigenous survivors, survivors of color, and survivors who identify as part of the LGBTQ community;

(e) Provide presentations and research-informed training to system actors, including domestic violence victim advocates;

(f) Convene an annual statewide domestic violence summit. The first summit must occur by June 30, 2025;

(g) Develop a statewide strategic plan to reduce intimate partner violence and increase support for victims. The preliminary strategic plan is due December 1, 2025, and must be updated every five years thereafter; and

(h) Undertake a body of work related to domestic violence intervention treatment. This must include:

(i) Executing a robust, multiyear research study to test the efficacy of various therapeutic interventions for domestic violence perpetrators aimed at reducing intimate partner violence, including intimate terrorism as defined in RCW 10.99.020. Treatment interventions may vary, but must include internal family systems and an evidence-based intervention for the treatment of suicidality, such as the collaborative assessment and management of suicidality or dialectical behavioral therapy; and

(ii) Working with the department of health, domestic violence intervention treatment providers, insurance carriers, and other relevant entities in order to formulate a detailed plan that would facilitate medicaid and commercial insurance reimbursement for domestic violence intervention treatment in Washington. The plan must include licensing requirements and provider credentialing necessary for reimbursement, billing codes, needed changes to law or rule, and any other relevant information.

Part VIII. Law Enforcement

NEW SECTION. **Sec. 801.** A new section is added to chapter 43.101 RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the commission must provide ongoing specialized, intensive, and integrative training for persons responsible for investigating domestic violence cases involving intimate partners. The training must be based on a victim-centered, trauma-informed approach to responding to domestic violence. Among other subjects, the training must include content on the neurobiology of trauma and trauma-informed interviewing, counseling, and investigative techniques.

(2) The training must: Be based on research-based practices and standards; offer participants an opportunity to practice interview skills and receive feedback from instructors; minimize the trauma of all persons who are interviewed during investigations; provide methods of reducing the number of investigative interviews necessary whenever possible; assure, to the extent possible, that investigative interviews are thorough, objective, and complete; recognize needs of special populations; recognize the nature and consequences of domestic violence victimization; require investigative interviews to be conducted in a manner most likely to permit the interviewed persons the maximum emotional comfort under the circumstances; address record retention and retrieval; address documentation of investigative interviews; and educate investigators on the best practices for notifying victims of significant events in the investigative process.

(3) In developing the training, the commission must seek advice from the Washington association of sheriffs and police chiefs, organizations representing victims of domestic violence, and experts on domestic violence and the neurobiology of trauma. The commission must consult with the Washington association of prosecuting attorneys in an effort to design training containing consistent elements for all professionals engaged in interviewing and interacting with domestic violence victims in the criminal legal system.

(4) The commission must develop the training and begin offering it by January 1, 2025. Officers assigned to regularly investigate domestic violence must complete the training within one year of being assigned or by July 1, 2026, whichever is later.

Sec. 802. RCW 10.31.100 and 2021 c 215 s 118 are each amended to read as follows:

A police officer having probable cause to believe that a person has committed or is committing a felony shall have the authority to arrest the person without a warrant. A police officer may arrest a person without a warrant for committing a misdemeanor or gross misdemeanor only when the offense is committed in the presence of an officer, except as provided in subsections (1) through (11) of this section.

(1) Any police officer having probable cause to believe that a person has committed or is committing a misdemeanor or gross misdemeanor, involving physical harm or threats of harm to any person or property or the unlawful taking of property or involving the use or possession of cannabis, or involving the acquisition, possession, or consumption of alcohol by a person under the age of twenty-one years under RCW 66.44.270, or involving criminal trespass under RCW 9A.52.070 or 9A.52.080, shall have the authority to arrest the person.

(2) A police officer shall arrest and take into custody, pending release on bail, personal recognizance, or court order, a person without a warrant when the officer has probable cause to believe that:

(a) A domestic violence protection order, a sexual assault protection order, a stalking protection order, or a vulnerable adult protection order has been issued, of which the person has knowledge, under chapter 7.105 RCW, or an order has been issued, of which the person has knowledge, under RCW 26.44.063, or chapter 9A.40, 9A.46, 9A.88, 10.99, 26.09, ((~~26.10,~~)) 26.26A, 26.26B, or 74.34 RCW, or any of the former chapters 7.90, 7.92, and 26.50 RCW, restraining the person and the person has violated the terms of the order restraining the person from acts or threats of violence,

or restraining the person from going onto the grounds of, or entering, a residence, workplace, school, or day care, or prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a location, a protected party's person, or a protected party's vehicle, or requiring the person to submit to electronic monitoring, or, in the case of an order issued under RCW 26.44.063, imposing any other restrictions or conditions upon the person;

(b) An extreme risk protection order has been issued against the person under chapter 7.105 RCW or former RCW 7.94.040, the person has knowledge of the order, and the person has violated the terms of the order prohibiting the person from having in ((~~his or her~~))the person's custody or control, purchasing, possessing, accessing, or receiving a firearm or concealed pistol license;

(c) A foreign protection order, as defined in RCW 26.52.010, or a Canadian domestic violence protection order, as defined in RCW 26.55.010, has been issued of which the person under restraint has knowledge and the person under restraint has violated a provision of the foreign protection order or the Canadian domestic violence protection order prohibiting the person under restraint from contacting or communicating with another person, or excluding the person under restraint from a residence, workplace, school, or day care, or prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a location, a protected party's person, or a protected party's vehicle, or a violation of any provision for which the foreign protection order or the Canadian domestic violence protection order specifically indicates that a violation will be a crime; or

(d) The person is eighteen years or older and within the preceding four hours has assaulted a family or household member or intimate partner as defined in RCW 10.99.020 and the officer believes: (i) A felonious assault has occurred; (ii) an assault has occurred which has resulted in bodily injury to the victim, whether the injury is observable by the responding officer or not; or (iii) that any physical action has occurred which was intended to cause another person reasonably to fear imminent serious bodily injury or death. Bodily injury means physical pain, illness, or an impairment of physical condition. When the officer has probable cause to believe that family or household members or intimate partners have assaulted each other, the officer is not required to arrest both persons. The officer shall arrest the person whom the officer believes to be the primary ((~~physical~~)) aggressor. In making this determination, the officer shall make every reasonable effort to consider: (A) The intent to protect victims of domestic violence under RCW 10.99.010; (B) the comparative extent of injuries inflicted or serious threats creating fear of physical injury; and (C) the history of domestic violence of each person involved, including whether the conduct was part of an ongoing pattern of abuse.

(3) Any police officer having probable cause to believe that a person has committed or is committing a violation of any of the following traffic laws shall have the authority to arrest the person:

(a) RCW 46.52.010, relating to duty on striking an unattended car or other property;

(b) RCW 46.52.020, relating to duty in case of injury to, or death of, a person or damage to an attended vehicle;

(c) RCW 46.61.500 or 46.61.530, relating to reckless driving or racing of vehicles;

(d) RCW 46.61.502 or 46.61.504, relating to persons under the influence of intoxicating liquor or drugs;

(e) RCW 46.61.503 or 46.25.110, relating to persons having alcohol or THC in their system;

(f) RCW 46.20.342, relating to driving a motor vehicle while operator's license is suspended or revoked;

(g) RCW 46.61.5249, relating to operating a motor vehicle in a negligent manner.

(4) A law enforcement officer investigating at the scene of a motor vehicle accident may arrest the driver of a motor vehicle involved in the accident if the officer has probable cause to believe that the driver has committed, in connection with the accident, a violation of any traffic law or regulation.

(5)(a) A law enforcement officer investigating at the scene of a motor vessel accident may arrest the operator of a motor vessel involved in the accident if the officer has probable cause to believe that the operator has committed, in connection with the accident, a criminal violation of chapter 79A.60 RCW.

(b) A law enforcement officer investigating at the scene of a motor vessel accident may issue a citation for an infraction to the operator of a motor vessel involved in the accident if the officer has probable cause to believe that the operator has committed, in connection with the accident, a violation of any boating safety law of chapter 79A.60 RCW.

(6) Any police officer having probable cause to believe that a person has committed or is committing a violation of RCW 79A.60.040 shall have the authority to arrest the person.

(7) An officer may act upon the request of a law enforcement officer, in whose presence a traffic infraction was committed, to stop, detain, arrest, or issue a notice of traffic infraction to the driver who is believed to have committed the infraction. The request by the witnessing officer shall give an officer the authority to take appropriate action under the laws of the state of Washington.

(8) Any police officer having probable cause to believe that a person has committed or is committing any act of indecent exposure, as defined in RCW 9A.88.010, may arrest the person.

(9) A police officer may arrest and take into custody, pending release on bail, personal recognizance, or court order, a person without a warrant when the officer has probable cause to believe that an antiharassment protection order has been issued of which the person has knowledge

under chapter 7.105 RCW or former chapter 10.14 RCW and the person has violated the terms of that order.

(10) Any police officer having probable cause to believe that a person has, within twenty-four hours of the alleged violation, committed a violation of RCW 9A.50.020 may arrest such person.

(11) A police officer having probable cause to believe that a person illegally possesses or illegally has possessed a firearm or other dangerous weapon on private or public elementary or secondary school premises shall have the authority to arrest the person.

For purposes of this subsection, the term "firearm" has the meaning defined in RCW 9.41.010 and the term "dangerous weapon" has the meaning defined in RCW 9.41.250 and 9.41.280(1) (c) through (e).

(12) A law enforcement officer having probable cause to believe that a person has committed a violation under RCW 77.15.160(5) may issue a citation for an infraction to the person in connection with the violation.

(13) A law enforcement officer having probable cause to believe that a person has committed a criminal violation under RCW 77.15.809 or 77.15.811 may arrest the person in connection with the violation.

(14) Except as specifically provided in subsections (2), (3), (4), and (7) of this section, nothing in this section extends or otherwise affects the powers of arrest prescribed in Title 46 RCW.

(15) No police officer may be held criminally or civilly liable for making an arrest pursuant to subsection (2) or (9) of this section if the police officer acts in good faith and without malice.

(16)(a) Except as provided in (b) of this subsection, a police officer shall arrest and keep in custody, until release by a judicial officer on bail, personal recognizance, or court order, a person without a warrant when the officer has probable cause to believe that the person has violated RCW 46.61.502 or 46.61.504 or an equivalent local ordinance and the police officer: (i) Has knowledge that the person has a prior offense as defined in RCW 46.61.5055 within ten years; or (ii) has knowledge, based on a review of the information available to the officer at the time of arrest, that the person is charged with or is awaiting arraignment for an offense that would qualify as a prior offense as defined in RCW 46.61.5055 if it were a conviction.

(b) A police officer is not required to keep in custody a person under (a) of this subsection if the person requires immediate medical attention and is admitted to a hospital.

Sec. 803. RCW 36.28A.410 and 2021 c 215 s 147 are each amended to read as follows:

(1)(a) Subject to the availability of amounts appropriated for this specific purpose, the Washington association of sheriffs and police chiefs shall create and operate a statewide automated protected person notification system to automatically notify a registered person via the registered person's choice of telephone or email when a respondent subject to a court order specified in (b) of this subsection has attempted to purchase or acquire a firearm and been denied based on a background check or completed and submitted firearm purchase or transfer application that indicates the respondent is ineligible to possess a firearm under state or federal law. The system must permit a person to register for notification, or a registered person to update the person's registration information, for the statewide automated protected person notification system by calling a toll-free telephone number or by accessing a public website.

(b) The notification requirements of this section apply to any court order issued under chapter 7.105 RCW or former chapter 7.92 RCW, RCW 9A.46.080, 10.99.040, 10.99.045, 26.09.050, 26.09.060, 26.10.040, 26.26A.470, or 26.26B.020, any of the former RCW 7.90.090, 10.14.080, 26.10.115, 26.50.060, and 26.50.070, any foreign protection order filed with a Washington court pursuant to chapter 26.52 RCW, and any Canadian domestic violence protection order filed with a Washington court pursuant to chapter 26.55 RCW, where the order prohibits the respondent from possessing firearms or where by operation of law the respondent is ineligible to possess firearms during the term of the order. The notification requirements of this section apply even if the respondent has notified the Washington state patrol that ((~~he or she~~))the respondent has appealed a background check denial under RCW 43.43.823.

(c) The statewide automated protected person notification system must interface with the Washington state patrol, the administrative office of the courts, and any court not contributing data to the administrative office of the courts in real time.

(2) An appointed or elected official, public employee, or public agency as defined in RCW 4.24.470, or combination of units of government and its employees, as provided in RCW 36.28A.010, are immune from civil liability for damages for any release of information or the failure to release information related to the statewide automated protected person notification system in this section, so long as the release or failure to release was without gross negligence. The immunity provided under this subsection applies to the release of relevant and necessary information to other public officials, public employees, or public agencies, and to the general public.

(3) Information and records prepared, owned, used, or retained by the Washington association of sheriffs and police chiefs pursuant to chapter 261, Laws of 2017, including information a person submits to register and participate in the statewide automated protected person notification system, are exempt from public inspection and copying under chapter 42.56 RCW.

NEW SECTION. **Sec. 804.** A new section is added to chapter 36.28A RCW to read as follows:

Subject to the availability of amounts appropriated for this specific purpose, the Washington association of sheriffs and police chiefs must create and maintain an electronic portal for law enforcement to enter when any respondent identified in a no-contact order, restraining order, or protection order has met the requirements in RCW 9.41.345. The portal shall collect the respondent's name, date of birth, protective order number, and date the respondent is eligible to have the respondent's firearms returned.

NEW SECTION. **Sec. 805.** A new section is added to chapter 2.56 RCW to read as follows:

The administrative office of the courts shall work with the Washington association of sheriffs and police chiefs to develop and maintain an interface to the statewide automated victim information and notification system created under RCW 36.28A.040 and the statewide automated protected person notification system created under RCW 36.28A.410 to provide notifications per RCW 36.28A.040, 36.28A.410, and 7.105.105. The interface shall provide updated information not less than once per hour, 24 hours per day, seven days per week, without exception.

Part IX. Miscellaneous

NEW SECTION. **Sec. 901.** 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.

NEW SECTION. **Sec. 902.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2023, in the omnibus appropriations act, this act is null and void."

Correct the title.

Representative Davis moved the adoption of amendment (377) to the striking amendment (342):

On page 2, beginning on line 5 of the striking amendment, strike all of section 102

On page 6, beginning on line 13 of the striking amendment, strike all of sections 303 through 305

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

On page 44, beginning on line 3 of the striking amendment, strike all of section 703

Representatives Davis and Mosbrucker spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (377) to the striking amendment (342) was adopted.

Representatives Davis and Mosbrucker spoke in favor of the adoption of the striking amendment as amended.

The striking amendment (342), as amended, 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 Davis and Mosbrucker spoke in favor of the passage of the bill.

Representatives Berg, Walsh, Graham, Christian and Chambers spoke against the passage of the bill.

MOTION

On motion of Representative Griffey, Representative Stokesbary was excused.

Representatives Lekanoff and Harris 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. 1715.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1715, and the bill passed the House by the following vote: Yeas, 69; Nays, 25; Absent, 0; Excused, 4

Voting Yea: Representatives Alvarado, Barnard, Bateman, Bergquist, Berry, Bronoske, Callan, Chandler, Chapman, Cheney, Chopp, Cortes, Couture, Davis, Doglio, Duerr, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Griffey, Hackney, Harris, Kloba, Leavitt, Lekanoff, Low, Macri, Mena, Morgan, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmidt, Senn, Shavers, Slatter, Springer, Stearns, Steele, Stonier, Street, Taylor, Thai, Timmons, Walen, Waters, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representatives Abbarno, Barkis, Berg, Caldier, Chambers, Christian, Connors, Corry, Dent, Donaghy, Dye, Goehner, Graham, Hutchins, Jacobsen, Klicker, Kretz, Maycumber, McEntire, Orcutt, Schmick, Simmons, Tharinger, Walsh and Wilcox

Excused: Representatives Hansen, McClintock, Stokesbary and Volz

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1715, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1779, by Representatives Mosbrucker, Dye and Pollet

Reducing toxic air pollution that threatens human health.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1779 was substituted for House Bill No. 1779 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1779 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, Doglio, Waters and Couture spoke in favor of the passage of the bill.

Representative McEntire 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. 1779.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1779, and the bill passed the House by the following vote: Yeas, 93; Nays, 2; Absent, 0; Excused, 3

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representatives McEntire and Walsh

Excused: Representatives Hansen, McClintock and Volz

SUBSTITUTE HOUSE BILL NO. 1779, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1084, by Representatives Fey, Ramos, Ryu, Ramel, Leavitt, Timmons and Wylie

Concerning freight mobility prioritization.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1084 was substituted for House Bill No. 1084 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1084 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 Fey, Barkis, Christian, Low and Robertson 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. 1084.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1084, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Hansen, McClintock and Volz

SUBSTITUTE HOUSE BILL NO. 1084, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1151, by Representatives Stonier, Macri, Reed, Peterson, Berry, Ramel, Fitzgibbon, Cortes, Callan, Simmons, Reeves, Lekanoff, Bergquist, Fosse and Ormsby

Mandating coverage for fertility services.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1151 was substituted for House Bill No. 1151 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1151 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 Stonier spoke in favor of the passage of the bill.

Representatives Schmick, Jacobsen, Connors and Christian 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. 1151.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1151, and the bill passed the House by the following vote: Yeas, 65; Nays, 30; Absent, 0; Excused, 3

Voting Yea: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chandler, Chapman, Cheney, Chopp, Corry, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Harris, Kloba, Leavitt, Lekanoff, Macri, Mena, Morgan, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Rude, Rule, Ryu, Sandlin, Santos, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Waters, Wylie and Mme. Speaker

Voting Nay: Representatives Abbarno, Barkis, Barnard, Caldier, Chambers, Christian, Connors, Couture, Dent, Dye, Eslick, Goehner, Graham, Griffey, Hutchins, Jacobsen, Klicker, Kretz, Low, Maycumber, McEntire, Orcutt, Robertson, Schmick, Schmidt, Steele, Stokesbary, Walsh, Wilcox and Ybarra

Excused: Representatives Hansen, McClintock and Volz

SECOND SUBSTITUTE HOUSE BILL NO. 1151, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1362, by Representatives Stearns, Reeves, Abbarno, Gregerson, Lekanoff and Tharinger

Improving government efficiency related to reports by state agencies by eliminating reports, changing the frequency of reports, and providing an alternative method for having information publicly available in place of reports.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1362 was substituted for House Bill No. 1362 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1362 was read the second time.

Representative Stearns moved the adoption of amendment (386):

On page 6, after line 31, insert the following:

"Sec. 5. RCW 48.43.0128 and 2021 c 280 s 3 are each amended to read as follows:

(1) A health carrier offering a nongrandfathered health plan or a plan deemed by the commissioner to have a short-term limited purpose or duration, or to be a student-only plan that is guaranteed renewable while the covered person is enrolled as a regular, full-time undergraduate student at an accredited higher education institution may not:

(a) In its benefit design or implementation of its benefit design, discriminate against individuals because of their age, expected length of life, present or predicted disability, degree of medical dependency, quality of life, or other health conditions; and

(b) With respect to the health plan or plan deemed by the commissioner to have a short-term limited purpose or duration, or to be a student-only plan that is guaranteed renewable while the covered person is enrolled as a regular, full-time undergraduate student at an accredited higher education institution, discriminate on the basis of race, color, national origin, disability, age, sex, gender identity, or sexual orientation.

(2) Nothing in this section may be construed to prevent a carrier from appropriately utilizing reasonable medical management techniques.

(3) For health plans issued or renewed on or after January 1, 2022:

(a) A health carrier may not deny or limit coverage for gender affirming treatment when that treatment is prescribed to an individual because of, related to, or consistent with a person's gender expression or identity, as defined in RCW 49.60.040, is medically necessary, and is prescribed in accordance with accepted standards of care.

(b) A health carrier may not apply categorical cosmetic or blanket exclusions to gender affirming treatment. When prescribed as medically necessary gender affirming treatment, a health carrier may not exclude as cosmetic services facial feminization surgeries and other facial gender affirming treatment, such as tracheal shaves, hair electrolysis, and other care such as mastectomies, breast reductions, breast implants, or any combination of gender affirming procedures, including revisions to prior treatment.

(c) A health carrier may not issue an adverse benefit determination denying or limiting access to gender affirming services, unless a health care provider with experience prescribing or delivering gender affirming treatment has reviewed and confirmed the appropriateness of the adverse benefit determination.

(d) Health carriers must comply with all network access rules and requirements established by the commissioner.

(4) For the purposes of this section, "gender affirming treatment" means a service or product that a health care provider, as defined in RCW 70.02.010, prescribes to an individual to treat any condition related to the individual's gender identity and is prescribed in accordance with generally accepted standards of care. Gender affirming treatment must be covered in a manner compliant with the federal mental health parity and addiction equity act of 2008 and the federal affordable care act. Gender affirming treatment can be prescribed to two spirit, transgender, nonbinary, intersex, and other gender diverse individuals.

(5) Nothing in this section may be construed to mandate coverage of a service that is not medically necessary.

(6) By December 1, 2022, the commissioner, in consultation with the health care authority and the department of health, must issue a report on geographic access to gender affirming treatment across the state. The report must include the number of gender affirming providers offering care in each county, the carriers and medicaid managed care organizations those providers have active contracts with, and the types of services provided by each provider in each region. The commissioner must update the report ((~~biannually~~)) biennially and post the report on its website.

(7) The commissioner shall adopt any rules necessary to implement subsections (3), (4), and (5) of this section.

(8) Unless preempted by federal law, the commissioner shall adopt any rules necessary to implement subsections (1) and (2) of this section, consistent with federal rules and guidance in effect on January 1, 2017, implementing the patient protection and affordable care act."

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

Correct the title.

Representatives Stearns and Abbarno spoke in favor of the adoption of the amendment.

Amendment (386) 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 Stearns, Abbarno, Goehner, Corry and Christian 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. 1362.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1362, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Hansen, McClintock and Volz

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1362, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1684, by Representatives Slatter and Lekanoff

Clarifying procedures for federally recognized tribes to report standard occupational classifications or job titles of workers under the employment security act.

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 Slatter and Maycumber 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. 1684.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1684, and the bill passed the House by the following vote: Yeas, 69; Nays, 26; Absent, 0; Excused, 3

Voting Yea: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Cheney, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Hackney, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McEntire, Mena, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Rule, Ryu, Santos, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Walsh, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representatives Abbarno, Barkis, Barnard, Caldier, Chambers, Chandler, Christian, Connors, Corry, Couture, Dent, Dye, Griffey, Harris, Hutchins, Jacobsen, Klicker, Mosbrucker, Orcutt, Robertson, Rude, Sandlin, Schmick, Schmidt, Stokesbary and Waters

Excused: Representatives Hansen, McClintock and Volz

HOUSE BILL NO. 1684, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1004, by Representatives Abbarno, Orcutt, Berry, Simmons, Graham, Schmidt, Christian, Lekanoff, Griffey, Dye, Klicker, Wylie, Cheney, Davis and Riccelli

Installing signs on or near bridges to provide information to deter jumping.

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 Abbarno and Timmons 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. 1004.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1004, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Hansen, McClintock and Volz

HOUSE BILL NO. 1004, 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 fourth order of business.

INTRODUCTION & FIRST READING

E2SSB 5536 by Senate Committee on Ways & Means (originally sponsored by Robinson, Lovick, Rolfes, Mullet, Dhingra, Billig, Hasegawa, Keiser, Kuderer, Liias, Lovelett, Nobles, Randall, Stanford, Wellman and Wilson, C.)

AN ACT Relating to justice system and behavioral health responses for persons experiencing circumstances that involve controlled substances, counterfeit substances, legend drugs, and drug paraphernalia; amending RCW 69.50.4011, 69.50.4013, 69.50.4014, 69.41.030, 69.50.509, 69.50.4121, 9.96.060, 36.70A.200, 71.24.589, 71.24.590, 10.31.110, and 84.36.043; amending 2021 c 311 s 29 (uncodified); adding a new section to chapter 43.43 RCW; adding new sections to chapter 69.50 RCW; adding a new section to chapter 43.330 RCW; adding a new section to chapter 26.12 RCW; adding new sections to chapter 71.24 RCW; adding new sections to chapter 43.216 RCW; creating new sections; repealing RCW 10.31.115; prescribing penalties; making appropriations; providing an effective date; and declaring an emergency.

Referred to Committee on Community Safety, Justice, & Reentry.

There being no objection, the bill listed on the day's introduction sheet under the fourth order of business was referred to the committee so designated.

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

SECOND READING

HOUSE BILL NO. 1789, by Representatives Reeves, Fitzgibbon, Chapman, Kloba, Ramel, Pollet and Fosse

Expanding revenue generation and economic opportunities from natural climate solutions and ecosystem services.

The bill was read the second time.

With the consent of the House, amendment (186) was withdrawn.

Representative Reeves moved the adoption of the striking amendment (349):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Ecosystem service credit" means a predetermined and standardized unit that represents a measurable ecosystem service provided in the context of a payment for an ecosystem service project.

(2) "Ecosystem service marketplace" has the same meaning as "ecosystem services market" as defined in RCW 76.09.020.

(3) "Ecosystem service project broker" means an entity that facilitates the process of matching ecosystem service providers and purchasers of ecosystem service project credits. An ecosystem service project broker may sell or procure credits on their clients' behalf and provide financing and marketing expertise. Ecosystem service project brokers may also act as ecosystem service project developers.

(4) "Ecosystem service project developer" means an entity that sources and initiates ecosystem service projects on behalf of the ecosystem service provider including, but not limited to, by working with ecosystem service project standards and verification bodies, bearing financial risks of projects, and working with a network of distributors and retailers to deliver auditable ecosystem service project credits to a marketplace. An ecosystem service project developer may also act as an ecosystem service project broker.

(5)(a) "Ecosystem services" has the same meaning as defined in RCW 76.09.020.

(b) Examples of ecosystem services include, but are not limited to, carbon sequestration and storage projects that are consistent with the policies outlined in RCW 70A.45.090, air and water filtration, climate stabilization, and disturbance mitigation.

(6) "Payment for ecosystem service project" means a transaction within an ecosystem service marketplace that transfers financial incentives to ecosystem service providers that are conditional on the provision of the service. Project types include, but are not limited to, carbon offset projects.

NEW SECTION. **Sec. 2.** (1) The department is authorized to enter into contracts for payment for ecosystem service projects on public lands, consistent with this chapter and other relevant laws, on terms and conditions acceptable to the department, after approval by the board of natural resources, only for the purpose of generating additional revenue by providing ecosystem services. Any ecosystem service project on state lands or state forestlands:

(a) Must be limited, except as provided in section 3 of this act, to:

(i) Afforestation;

(ii) Reforestation;

(iii) Silvicultural treatments, such as commercial or precommercial thinning operations, that does not increase rotation lengths or reduce final harvest volumes;

(iv) Forest restoration investments that increase overall harvest volume;

(v) Avoided conversion of forest and agricultural lands to another land use;

(vi) Urban forest management;

(vii) Urban tree planting; and

(viii) The production and use of biochar for soil amendments;

(b) Must be consistent with the policies outlined in RCW 70A.45.090;

(c) Must support the workforce development goals and investments made under RCW 76.04.521;

(d) May not be inconsistent with ongoing forest health planning efforts and investments such as expenditures from the wildfire response, forest restoration, and community resilience account created in RCW 76.04.511;

(e) Must result in an increase in revenue to beneficiaries as compared to expected revenue that may exist in absence of the underlying ecosystem service project; and

(f) May not limit or impair the exercise of tribal treaty and reserved rights, existing tribal access to lands managed by the department, or preexisting agreements between tribes and the department.

(2) The contract term under this section may represent the sale or lease of ecosystem service credits and may not last for a period of longer than 125 years. Proceeds from contracts for ecosystem services must be deposited into the appropriate account in the state treasury.

(3) The authority of the department to enter into a contract that results in payments for ecosystem service projects under subsection (1) of this section is conditional on any specific project being consistent with the department's management of the underlying public land for agriculture or commercial timber harvest and ensure the department meets its fiduciary responsibility to the state's trust beneficiaries. Any ecosystem service project, or the sum of all ecosystem service projects, other than the projects authorized under section 3 of this act, may not prevent the department from managing state lands and state forestlands for sustained yield as required by RCW 79.10.310.

(4) The department may:

(a) Directly offer for sale ecosystem service credits, consistent with this section, with established compliance ecosystem service marketplaces or verifiable

and established voluntary ecosystem service marketplace;

(b) Enter into contracts with ecosystem service project developers or brokers, through public auction or by direct negotiation, to bring ecosystem service credits to market. Contracts for ecosystem services are subject to approval by, and the rules adopted by, the board.

(5) Notice of intent to contract by negotiation must be published on the department's website. The notice must be published within the 90 days preceding commencement of negotiations.

(6) The department is authorized to conduct any additional advertising that it determines to be in the best interest of the state.

(7) The department may enter into contracts or agreements with third-party ecosystem service project developers or brokers for purposes that include, but are not limited to, determining the feasibility of entering into a contract for a payment for an ecosystem service project, establishing a payment for an ecosystem service project with an ecosystem service marketplace, and marketing and selling credits on an established ecosystem service marketplace.

(8) The department must provide a report to the board upon execution of a contract for a payment for an ecosystem service project that includes the term of the contract and projected revenues.

(9)(a) Before entering into the sale of ecosystem service credits under this section, the board must find that the conditions of this section are satisfied and approve contract terms and a minimum payment for ecosystem services that is valid for a period of 180 days, or a longer period as may be established by resolution.

(b) Where the board has set a minimum payment for ecosystem service credits, the department may set the final payment for ecosystem service credits, which must be based on current market prices. The board may reestablish the minimum payment at any time.

NEW SECTION. **Sec. 3.** (1) Except as otherwise provided in this section, the department is authorized to enter into contracts for payment for ecosystem service projects on no more than 10,000 operable acres of state lands or state forestlands, inclusive of any credits required for buffer pools or other contingencies. Projects under this section are not limited to the project types identified in section 2(1)(a) of this act; however, these projects, as a condition of contract, must have a determinate harvest schedule if projects are on forested state lands or state forestlands. The authority provided in this section is conditional on the department replacing any timber volume and timber value on lands subject to the underlying ecosystem service project, during the term of the project, that may be constrained by the terms of the project.

(2)(a) To replace foregone timber volume and value under this section, the department must, prior to the finalization of a contract under this section:

(i) Create a full inventory of the land included in the project and any standing timber on the proposed underlying land;

(ii) Complete an estimation of timber volume that is eligible for harvest under the existing management plan for the underlying land;

(iii) Complete a valuation of any timber resources on the underlying land that would be available for harvest in absence of any ecosystem services contracts, including a timeline for an anticipated harvest schedule;

(iv) Prepare a plan for the replacement of any timber volume and timber value on lands subject to the underlying ecosystem service project and have the plan approved by the board. The plan must include a timeline that includes benchmarks for volume and value replacement that is aligned with how the land would be managed in absence of the ecosystem service project.

(b)(i) If the department fails to meet any replacement timeline benchmarks established in the plan, it must report this failure to the board, the office of financial management, and the legislature. The report of failure must be accompanied with a new timeline to correct the failure prior to the next timeline benchmark in the underlying plan.

(ii) If the department fails to remedy the failure by the next timeline benchmark, then the department will be provided adequate funding to the natural resources real property replacement account created in RCW 79.17.210, from the natural climate solutions account created in RCW 70A.65.270, to replace the foregone volume and value for the affected lands, as established in (a) of this subsection.

(3) Any replacement trust lands purchased under this section must be placed back into the same trust status classification as the lands included in the ecosystem service projects authorized under this section.

(4) If purchasing lands under this section, the department must prioritize the purchase of lands at risk of conversion to another use with the intent of managing those lands for productivity in terms of volume and value.

(5) The authority granted in this section expires on December 31, 2033; however, contracts entered into under this section may have an execution date that extends past the expiration date for the underlying authority.

(6)(a) Within five years of the initiation of a contract under this section, the department must report to the legislature, consistent with RCW 43.01.036, the outcomes of any ecosystem service projects entered into under this section. This includes, but is not limited to:

(i) Impacts to direct, indirect, and induced jobs, impacts to local economies, impacts to log supply, and any impacts to local tax revenue;

(ii) Impacts to revenues to beneficiaries;

(iii) Barriers to market participation;

(iv) Assessment of carbon sequestration on the lands enrolled in the ecosystem service project, including foregone

opportunities for new forest rotations and storage in forest products.

(b) The department must issue reports under this subsection every five years through the life of the underlying ecosystem service project.

NEW SECTION. **Sec. 4.** (1) By December 1, 2024, the department must submit a report to the office of financial management and the legislature, consistent with RCW 43.01.036, that includes information on payment for ecosystem service projects entered into or committed to by the department, including type of projects, number of acres involved, and projected revenues. The report must also include any challenges or barriers encountered by the department in the process of attempting to implement carbon offset or payment for ecosystem service projects and recommendations to address those challenges and barriers, including the operability of the carbon offset rules adopted under RCW 70A.65.170.

(2) This section expires June 30, 2025.

Sec. 5. RCW 79.02.010 and 2018 c 258 s 1 are each amended to read as follows:

The definitions in this section apply throughout this title unless the context clearly requires otherwise.

(1) "Aquatic lands" means all state-owned tidelands, shorelands, harbor areas, and the beds of navigable waters as defined in RCW 79.105.060 that are administered by the department.

(2) "Board" means the board of natural resources.

(3) "Commissioner" means the commissioner of public lands.

(4) "Community and technical college forest reserve lands" means lands managed under RCW 79.02.420.

(5) "Community forest trust lands" means those lands acquired and managed under the provisions of chapter 79.155 RCW.

(6) "Department" means the department of natural resources.

(7)(a) "Forest biomass" means the by-products of: Current forest management activities; current forest protection treatments prescribed or permitted under chapter 76.04 RCW; or the by-products of forest health treatment prescribed or permitted under chapter 76.06 RCW.

(b) "Forest biomass" does not include wood pieces that have been treated with chemical preservatives such as: Creosote, pentachlorophenol, or copper-chrome-arsenic; wood from existing old growth forests; wood required to be left on-site under chapter 76.09 RCW, the state forest practices act; and implementing rules, and other legal and contractual requirements; or municipal solid waste.

(8) "Good neighbor agreement" means an agreement entered into between the state and the United States forest service or United States bureau of land management to conduct forestland, watershed, and rangeland restoration activities on federal lands, as originally authorized by the 2014 farm bill (P.L. 113-79).

(9) "Improvements" means anything considered a fixture in law placed upon or attached to lands administered by the department that has changed the value of the lands or any changes in the previous condition of the fixtures that changes the value of the lands.

(10) "Land bank lands" means lands acquired under RCW 79.19.020.

(11) "Person" means an individual, partnership, corporation, association, organization, cooperative, public or municipal corporation, or agency of a federal, state, or local governmental unit, however designated.

(12) "Public lands" means lands of the state of Washington administered by the department including but not limited to state lands, state forestlands, lands included in a state forestland pool, and aquatic lands.

(13) "State forestland pool" or "land pool" means state forestlands acquired and managed under RCW 79.22.140.

(14) "State forestlands" means lands acquired under RCW 79.22.010, 79.22.040, and 79.22.020.

(15) "State lands" includes:

(a) School lands, that is, lands held in trust for the support of the common schools;

(b) University lands, that is, lands held in trust for university purposes;

(c) Agricultural college lands, that is, lands held in trust for the use and support of agricultural colleges;

(d) Scientific school lands, that is, lands held in trust for the establishment and maintenance of a scientific school;

(e) Normal school lands, that is, lands held in trust for state normal schools;

(f) Capitol building lands, that is, lands held in trust for the purpose of erecting public buildings at the state capital for legislative, executive, and judicial purposes;

(g) Institutional lands, that is, lands held in trust for state charitable, educational, penal, and reformatory institutions; and

(h) Land bank, escheat, donations, and all other lands, except aquatic lands, administered by the department that are not devoted to or reserved for a particular use by law.

(16) "Valuable materials" means any product or material on the lands, such as forest products, forage or agricultural crops, stone, gravel, sand, peat, and all other materials of value except: (a) Mineral, coal, petroleum, and gas as provided for under chapter 79.14 RCW; ((~~and~~)) (b) forest biomass as provided for under chapter 79.150 RCW; and (c) ecosystem services as provided for under chapter 79.--- RCW (the new chapter created in section 11 of this act).

(17) "Ecosystem services" has the same meaning as defined in RCW 76.09.020.

Sec. 6. RCW 79.64.110 and 2021 c 334 s 995 and 2021 c 145 s 3 are each reenacted and amended to read as follows:

(1) Any moneys derived from the lease of state forestlands or from the sale of valuable materials, oils, gases, coal,

minerals, ((~~or~~)) fossils, or contracts for payments for ecosystem service projects under chapter 79.--- RCW (the new chapter created in section 11 of this act) from those lands, except as provided in RCW 79.64.130, or the appraised value of these resources when transferred to a public agency under RCW 79.22.060, except as provided in RCW 79.22.060(4), must be distributed as follows:

(a) For state forestlands acquired through RCW 79.22.040 or by exchange for lands acquired through RCW 79.22.040:

(i) The expense incurred by the state for administration, reforestation, and protection, not to exceed ((~~twenty-five~~))25 percent, which rate of percentage shall be determined by the board, must be returned to the forest development account created in RCW 79.64.100. During the 2017-2019, 2019-2021, and 2021-2023 fiscal biennia, the board may increase the ((~~twenty-five~~))25 percent limitation up to ((~~twenty-seven~~))27 percent.

(ii) Any balance remaining must be paid to the county in which the land is located or, for counties participating in a land pool created under RCW 79.22.140, to each participating county proportionate to its contribution of asset value to the land pool as determined by the board. Payments made under this subsection are to be paid, distributed, and prorated, except as otherwise provided in this section, to the various funds in the same manner as general taxes are paid and distributed during the year of payment. However, in order to test county flexibility in distributing state forestland revenue, a county may in its discretion pay, distribute, and prorate payments made under this subsection of moneys derived from state forestlands acquired by exchange between July 28, 2019, and June 30, 2020, for lands acquired through RCW 79.22.040, within the same county, in the same manner as general taxes are paid and distributed during the year of payment for the former state forestlands that were subject to the exchange.

(iii) Any balance remaining, paid to a county with a population of less than ((~~sixteen thousand~~))16,000, must first be applied to the reduction of any indebtedness existing in the current expense fund of the county during the year of payment.

(iv) With regard to moneys remaining under this subsection (1)(a), within seven working days of receipt of these moneys, the department shall certify to the state treasurer the amounts to be distributed to the counties. The state treasurer shall distribute funds to the counties four times per month, with no more than ((~~ten~~))10 days between each payment date.

(b) For state forestlands acquired through RCW 79.22.010 or by exchange for lands acquired through RCW 79.22.010, except as provided in RCW 79.64.120:

(i) Fifty percent shall be placed in the forest development account.

(ii) Fifty percent shall be prorated and distributed to the state general fund, to be dedicated for the benefit of the public schools, to the county in which the land is located or, for counties participating in a land pool created under RCW 79.22.140, to each participating county proportionate to its contribution of asset value to the land pool as determined by the board, and according to the relative proportions of tax levies of all taxing districts in the county. The portion to be distributed to the state general fund shall be based on the regular school levy rate under RCW 84.52.065 (1) and (2) and the levy rate for any school district enrichment levies. With regard to the portion to be distributed to the counties, the department shall certify to the state treasurer the amounts to be distributed within seven working days of receipt of the money. The state treasurer shall distribute funds to the counties four times per month, with no more than ((~~ten~~))10 days between each payment date. The money distributed to the county must be paid, distributed, and prorated to the various other funds in the same manner as general taxes are paid and distributed during the year of payment.

(2) A school district may transfer amounts deposited in its debt service fund pursuant to this section into its capital projects fund as authorized in RCW 28A.320.330.

Sec. 7. RCW 79.22.050 and 2003 c 334 s 220 and 2003 c 313 s 7 are each reenacted and amended to read as follows:

(1) Except as provided in RCW 79.22.060, all land, acquired or designated by the department as state forestland, shall be forever reserved from sale, but the valuable materials thereon may be sold or the land may be leased in the same manner and for the same purposes as is authorized for state lands if the department finds such sale or lease to be in the best interests of the state and approves the terms and conditions thereof.

(2) Ecosystem services may be sold only if consistent with the conditions in chapter 79.--- RCW (the new chapter created in section 11 of this act) and may not be sold if chapter 79.--- RCW (the new chapter created in section 11 of this act) does not appear in codified statute.

(3) In the event that the department sells logs using the contract harvesting process described in RCW 79.15.500 through 79.15.530, the moneys received subject to this section are the net proceeds from the contract harvesting sale.

Sec. 8. RCW 79.105.150 and 2022 c 157 s 19 are each amended to read as follows:

(1) After deduction for management costs as provided in RCW 79.64.040 and payments to towns under RCW 79.115.150(2), all moneys received by the state from the sale or lease of state-owned aquatic lands ((~~and~~)), from the sale of valuable material from state-owned aquatic lands, and from the sale of ecosystem services under chapter 79.--- RCW (the new chapter created in section 11 of this act), shall be deposited in the aquatic lands enhancement account which is hereby created in the state treasury. After appropriation, these funds shall be used solely for aquatic lands enhancement projects; for the purchase, improvement, or protection of aquatic lands for public

purposes; for providing and improving access to the lands; and for volunteer cooperative fish and game projects. The aquatic lands enhancement account may be used to support the shellfish program, the ballast water program, hatcheries, the Puget Sound toxic sampling program and steelhead mortality research at the department of fish and wildlife, the knotweed program at the department of agriculture, actions at the University of Washington for reducing ocean acidification, which may include the creation of a center on ocean acidification, the Puget SoundCorps program, and support of the marine resource advisory council and the Washington coastal marine advisory council. During the 2017-2019 and 2019-2021 fiscal biennia, the legislature may transfer from the aquatic lands enhancement account to the geoduck aquaculture research account for research related to shellfish aquaculture. During the 2015-2017 fiscal biennium, the legislature may transfer moneys from the aquatic lands enhancement account to the marine resources stewardship trust account.

(2) In providing grants for aquatic lands enhancement projects, the recreation and conservation funding board shall:

(a) Require grant recipients to incorporate the environmental benefits of the project into their grant applications;

(b) Utilize the statement of environmental benefits, consideration, except as provided in RCW 79.105.610, of whether the applicant is a Puget Sound partner, as defined in RCW 90.71.010, whether a project is referenced in the action agenda developed by the Puget Sound partnership under RCW 90.71.310, and except as otherwise provided in RCW 79.105.630, and effective one calendar year following the development and statewide availability of urban forestry management plans and ordinances under RCW 76.15.090, whether the applicant is an entity that has been recognized, and what gradation of recognition was received, in the evergreen community designation program created in RCW 76.15.090 in its prioritization and selection process; and

(c) Develop appropriate outcome-focused performance measures to be used both for management and performance assessment of the grants.

(3) To the extent possible, the department should coordinate its performance measure system with other natural resource-related agencies as defined in RCW 43.41.270.

(4) The department shall consult with affected interest groups in implementing this section.

(5) Any project designed to address the restoration of Puget Sound may be funded under this chapter only if the project is not in conflict with the action agenda developed by the Puget Sound partnership under RCW 90.71.310.

Sec. 9. RCW 79.15.010 and 2003 c 334 s 331 are each amended to read as follows:

(1) Valuable materials situated upon state lands and state forestlands may be sold separate from the land, when in the judgment of the department, it is for the best interest of the state so to sell the same. The sale of any ecosystem services is limited to consistency with the conditions in chapter 79.--- RCW (the new chapter created in section 11 of this act) and may not be sold if chapter 79.--- RCW (the new chapter created in section 11 of this act) does not appear in codified statute.

(2) Sales of valuable materials from any university lands require:

(a) The consent of the board of regents of the University of Washington; or

(b) Legislative directive.

(3) When application is made for the purchase of any valuable materials, the department shall appraise the value of the valuable materials if the department determines it is in the best interest of the state to sell. No valuable materials shall be sold for less than the appraised value thereof.

Sec. 10. RCW 70A.65.270 and 2021 c 316 s 30 are each amended to read as follows:

(1) The natural climate solutions account is created in the state treasury. All moneys directed to the account from the climate investment account created in RCW 70A.65.250 must be deposited in the account. Moneys in the account may be spent only after appropriation. Moneys in the account are intended to increase the resilience of the state's waters, forests, and other vital ecosystems to the impacts of climate change, conserve working forestlands at risk of conversion, and increase their carbon pollution reduction capacity through sequestration, storage, and overall system integrity. Moneys in the account must be spent in a manner that is consistent with existing and future assessments of climate risks and resilience from the scientific community and expressed concerns of and impacts to overburdened communities.

(2) Moneys in the account may be allocated for the following purposes:

(a) Clean water investments that improve resilience from climate impacts. Funding under this subsection (2)(a) must be used to:

(i) Restore and protect estuaries, fisheries, and marine shoreline habitats and prepare for sea level rise including, but not limited to, making fish passage correction investments such as those identified in the cost-share barrier removal program for small forestland owners created in RCW 76.13.150 and those that are considered by the fish passage barrier removal board created in RCW 77.95.160;

(ii) Increase carbon storage in the ocean or aquatic and coastal ecosystems;

(iii) Increase the ability to remediate and adapt to the impacts of ocean acidification;

(iv) Reduce flood risk and restore natural floodplain ecological function;

(v) Increase the sustainable supply of water and improve aquatic habitat, including groundwater mapping and modeling;

(vi) Improve infrastructure treating stormwater from previously developed areas within an urban growth boundary designated under chapter 36.70A RCW, with a preference

given to projects that use green stormwater infrastructure;

(vii) Either preserve or increase, or both, carbon sequestration and storage benefits in forests, forested wetlands, agricultural soils, tidally influenced agricultural or grazing lands, or freshwater, saltwater, or brackish aquatic lands; or

(viii) Either preserve or establish, or both, carbon sequestration by protecting or planting trees in marine shorelines and freshwater riparian areas sufficient to promote climate resilience, protect cold water fisheries, and achieve water quality standards;

(b) Healthy forest investments to improve resilience from climate impacts. Funding under this subsection (2)(b) must be used for projects and activities that will:

(i) Increase forest and community resilience to wildfire in the face of increased seasonal temperatures and drought;

(ii) Improve forest health and reduce vulnerability to changes in hydrology, insect infestation, and other impacts of climate change; or

(iii) Prevent emissions by preserving natural and working lands from the threat of conversion to development or loss of critical habitat, through actions that include, but are not limited to, the creation of new conservation lands, community forests, or increased support to small forestland owners through assistance programs including, but not limited to, the forest riparian easement program and the family forest fish passage program. It is the intent of the legislature that not less than $10,000,000 be expended each biennium for the forestry riparian easement program created in chapter 76.13 RCW or for riparian easement projects funded under the agricultural conservation easements program established under RCW 89.08.530, or similar riparian enhancement programs;

(c) Legislative transfers, if necessary, to the natural resources real property replacement account created in RCW 79.17.210 for reimbursement to state land trust beneficiaries for foregone timber volume and value under section 3 of this act.

(3) Moneys in the account may not be used for projects that would violate tribal treaty rights or result in significant long-term damage to critical habitat or ecological functions. Investments from this account must result in long-term environmental benefits and increased resilience to the impacts of climate change.

NEW SECTION. **Sec. 11.** Sections 1 through 4 of this act constitute a new chapter in Title 79 RCW."

Correct the title.

Representative Chapman moved the adoption of amendment (398) to the striking amendment (349):

On page 2, beginning on line 12 of the striking amendment, after "on" strike all material through "amendments" on line 26 and insert "public lands:

(a) must be limited to afforestation, reforestation, and aquatic projects"

On page 3, beginning on line 15 of the striking amendment, after "ecosystem service projects," strike "other than the projects authorized under section 3 of this act,"

On page 4, beginning on line 16 of the striking amendment, strike all of section 3

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

On page 12, beginning on line 27 of the striking amendment, strike all of section 10

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

Correct the title.

Representatives Chapman and Dent spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (398) to the striking amendment (349) was adopted.

Representatives Reeves and Dent spoke in favor of the adoption of the striking amendment as amended.

The striking amendment (349), as amended, 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 Reeves, Dent, Wilcox, Kretz and Chapman spoke in favor of the passage of the bill.

Representative Orcutt 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. 1789.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1789, and the bill passed the House by the following vote: Yeas, 82; Nays, 13; Absent, 0; Excused, 3

Voting Yea: Representatives Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Graham, Gregerson, Hackney, Harris, Hutchins, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, Mena, Morgan, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Rude, Rule, Ryu, Sandlin, Santos, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representatives Abbarno, Chambers, Couture, Goehner, Griffey, Jacobsen, McEntire, Orcutt, Robertson, Schmick, Steele, Stokesbary and Walsh

Excused: Representatives Hansen, McClintock and Volz

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1789, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1168, by Representatives Simmons, Ramel, Callan, Wylie, Davis and Ormsby

Providing prevention services, diagnoses, treatment, and support for prenatal substance exposure.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1168 was substituted for House Bill No. 1168 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1168 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 Schmick 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. 1168.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1168, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Hansen, McClintock and Volz

SECOND SUBSTITUTE HOUSE BILL NO. 1168, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1833, by Representatives Paul, Hutchins and Ramel

Setting ferry fuel surcharges.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1833 was substituted for House Bill No. 1833 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1833 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 Paul and Hutchins 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. 1833.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1833, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Hansen, McClintock and Volz

SUBSTITUTE HOUSE BILL NO. 1833, having received the necessary constitutional majority, was declared passed.

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

HOUSE BILL NO. 1455, by Representatives Stonier, Berry, Farivar, Rude, Fey, Reed, Morgan, Thai, Fosse, Pollet, Macri and Bateman

Eliminating child marriage.

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 Stonier, Walsh and Maycumber 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. 1455.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1455, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Hansen, McClintock and Volz

HOUSE BILL NO. 1455, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1764, by Representatives Wylie and Orcutt

Establishing a method of valuing asphalt and aggregate used in public road construction for purposes of taxation.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1764 was substituted for House Bill No. 1764 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1764 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 Wylie and Orcutt 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. 1764.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1764, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Hansen, McClintock and Volz

SUBSTITUTE HOUSE BILL NO. 1764, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1023, by Representatives Walen, Goodman, Reeves, Thai and Ormsby

Eliminating wire tap authorization reporting to the administrative office of the courts.

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 Walen spoke in favor of the passage of the bill.

Representative Walsh spoke against 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. 1023.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1023, and the bill passed the House by the following vote: Yeas, 90; Nays, 5; Absent, 0; Excused, 3

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chandler, Chapman, Cheney, Chopp, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representatives Chambers, Christian, Jacobsen, McEntire and Walsh

Excused: Representatives Hansen, McClintock and Volz

HOUSE BILL NO. 1023, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1682, by Representatives Maycumber, Chapman, Barnard, Reeves, Riccelli, Bateman, Springer, Volz, Chambers, Mosbrucker, Robertson, Leavitt, Jacobsen, Christian and Rule

Concerning the Washington auto theft prevention authority account.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1682 was substituted for House Bill No. 1682 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1682 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 Maycumber, Stonier, Chambers and Christian 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. 1682.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1682, and the bill passed the House by the following vote: Yeas, 94; Nays, 1; Absent, 0; Excused, 3

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representative Ormsby

Excused: Representatives Hansen, McClintock and Volz

SUBSTITUTE HOUSE BILL NO. 1682, 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

Tuesday, March 7, 2023

Mme. Speaker:

The Senate has passed:

ENGROSSED SENATE BILL NO. 5022
SUBSTITUTE SENATE BILL NO. 5094
SENATE BILL NO. 5104
SENATE BILL NO. 5153
SUBSTITUTE SENATE BILL NO. 5171
SENATE BILL NO. 5180
SENATE BILL NO. 5228
SECOND SUBSTITUTE SENATE BILL NO. 5263
SENATE BILL NO. 5283
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5315
SECOND SUBSTITUTE SENATE BILL NO. 5425
SECOND SUBSTITUTE SENATE BILL NO. 5438
SUBSTITUTE SENATE BILL NO. 5561
SUBSTITUTE SENATE BILL NO. 5589
SENATE BILL NO. 5629
SUBSTITUTE SENATE BILL NO. 5649
ENGROSSED SENATE BILL NO. 5650
SENATE BILL NO. 5683
SUBSTITUTE SENATE BILL NO. 5714

and the same are herewith transmitted.

Colleen Rust, Deputy Secretary

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

SECOND READING

HOUSE BILL NO. 1143, by Representatives Berry, Walen, Reed, Peterson, Street, Bateman, Ramel, Senn, Callan, Doglio, Macri, Lekanoff, Duerr, Pollet, Davis, Kloba, Fosse and Ormsby

Concerning requirements for the purchase or transfer of firearms.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1143 was substituted for House Bill No. 1143 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1143 was read the second time.

Representative Berry moved the adoption of the striking amendment (338):

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 9.41.090 and 2019 c 3 s 3 are each amended to read as follows:

(1) In addition to the other requirements of this chapter, no dealer may deliver a ((~~pistol~~))firearm to the purchaser thereof until:

(a) The purchaser ((~~produces a valid concealed pistol license and the dealer has recorded the purchaser's name, license number, and issuing agency, such record to be made in triplicate and processed as provided in subsection (6) of this section. For purposes of this subsection (1)(a), a "valid concealed pistol license" does not include a temporary emergency license, and does not include any license issued before July 1, 1996, unless the issuing agency conducted a records search for disqualifying crimes under RCW 9.41.070 at the time of issuance~~))provides proof of completion of a recognized firearm safety training program within the last five years that complies with the requirements in section 2 of this act, or proof that the purchaser is exempt from the training requirement;

(b) The dealer is notified ((~~in writing by (i) the chief of police or the sheriff of the jurisdiction in which the purchaser resides that the purchaser is eligible to possess a pistol under RCW 9.41.040 and that the application to purchase is approved by the chief of police or sheriff; or (ii) the state~~))by the Washington state patrol firearms background check program that the purchaser is eligible to possess a firearm under ((~~RCW 9.41.040, as provided in subsection (3)(b) of this section; or~~))state and federal law; and

(c) The requirements ((~~or~~))and time periods in RCW 9.41.092 have been satisfied.

(2) ((~~In addition to the other requirements of this chapter, no dealer may deliver a semiautomatic assault rifle to the purchaser thereof until:~~

~~(a) The purchaser provides proof that he or she has completed a recognized firearm safety training program within the last five years that, at a minimum, includes instruction on:~~

~~(i) Basic firearms safety rules;~~

~~(ii) Firearms and children, including secure gun storage and talking to children about gun safety;~~

~~(iii) Firearms and suicide prevention;~~

~~(iv) Secure gun storage to prevent unauthorized access and use;~~

~~(v) Safe handling of firearms; and~~

~~(vi) State and federal firearms laws, including prohibited firearms transfers.~~

~~The training must be sponsored by a federal, state, county, or municipal law enforcement agency, a college or university, a nationally recognized organization that customarily offers firearms training, or a firearms training school with instructors certified by a nationally recognized organization that customarily offers firearms training. The proof of training shall be in the form of a certification that states under the penalty of perjury the training included the minimum requirements; and~~

~~(b) The dealer is notified in writing by (i) the chief of police or the sheriff of the jurisdiction in which the purchaser resides that the purchaser is eligible to possess a firearm under RCW 9.41.040 and that the application to purchase is approved by the chief of police or sheriff; or (ii) the state that the purchaser is eligible to possess a firearm under RCW 9.41.040, as provided in subsection (3)(b) of this section; or~~

~~(c) The requirements or time periods in RCW 9.41.092 have been satisfied.~~

~~(3)(a) Except as provided in (b) of this subsection, in~~))In determining whether the purchaser ((~~meets the requirements of RCW 9.41.040~~))is eligible to possess a firearm, the ((~~chief of police or sheriff, or the designee of either,~~))Washington state patrol

firearms background check program shall check with the ((~~national crime information center, including the~~)) national instant criminal background check system, provided for by the Brady handgun violence prevention act (18 U.S.C. Sec. 921 et seq.), the Washington state patrol electronic database, the health care authority electronic database, the administrative office of the courts, LInX-NW, and with other agencies or resources as appropriate, to determine whether the applicant is ineligible under RCW 9.41.040 to possess a firearm.

((~~(b) The state, through the legislature or initiative process, may enact a statewide firearms background check system equivalent to, or more comprehensive than, the check required by (a) of this subsection to determine that a purchaser is eligible to possess a firearm under RCW 9.41.040. Once a state system is established, a dealer shall use the state system and national instant criminal background check system, provided for by the Brady handgun violence prevention act (18 U.S.C. Sec. 921 et seq.), to make criminal background checks of applicants to purchase firearms.~~

~~(4) In any case under this section where the applicant has an outstanding warrant for his or her arrest from any court of competent jurisdiction for a felony or misdemeanor, the dealer shall hold the delivery of the pistol or semiautomatic assault rifle until the warrant for arrest is served and satisfied by appropriate court appearance. The local jurisdiction for purposes of the sale, or the state pursuant to subsection (3)(b) of this section, shall confirm the existence of outstanding warrants within seventy-two hours after notification of the application to purchase a pistol or semiautomatic assault rifle is received. The local jurisdiction shall also immediately confirm the satisfaction of the warrant on request of the dealer so that the hold may be released if the warrant was for an offense other than an offense making a person ineligible under RCW 9.41.040 to possess a firearm.~~

~~(5) In any case where the chief or sheriff of the local jurisdiction, or the state pursuant to subsection (3)(b) of this section, has reasonable grounds based on the following circumstances: (a) Open criminal charges, (b) pending criminal proceedings, (c) pending commitment proceedings, (d) an outstanding warrant for an offense making a person ineligible under RCW 9.41.040 to possess a firearm, or (e) an arrest for an offense making a person ineligible under RCW 9.41.040 to possess a firearm, if the records of disposition have not yet been reported or entered sufficiently to determine eligibility to purchase a firearm, the local jurisdiction or the state may hold the sale and delivery of the pistol or semiautomatic assault rifle up to thirty days in order to confirm existing records in this state or elsewhere. After thirty days, the hold will be lifted unless an extension of the thirty days is approved by a local district court, superior court, or municipal court for good cause shown. A dealer shall be notified of each hold placed on the sale by local law enforcement or the state and of any application to the court for additional hold period to confirm records or confirm the identity of the applicant.~~

~~(6)~~))(3)(a) At the time of applying for the purchase of a ((~~pistol or semiautomatic assault rifle~~))firearm, the purchaser shall sign ((~~in triplicate~~)) and deliver to the dealer an application containing:

(i) His or her full name, residential address, date and place of birth, race, and gender;

(ii) The date and hour of the application;

(iii) The applicant's driver's license number or state identification card number;

(iv) A description of the ((~~pistol or semiautomatic assault rifle~~))firearm including the make, model, caliber and manufacturer's number if available at the time of applying for the purchase of ((~~a pistol or semiautomatic assault rifle~~))the firearm. If the manufacturer's number is not available at the time of applying for the purchase of a ((~~pistol or semiautomatic assault rifle~~))firearm, the application may be processed, but delivery of the ((~~pistol or semiautomatic assault rifle~~))firearm to the purchaser may not occur unless the manufacturer's number is recorded on the application by the dealer and transmitted to the ((~~chief of police of the municipality or the sheriff of the county in which the purchaser resides, or the state pursuant to subsection (3)(b) of this section~~))Washington state patrol firearms background check program; and

(v) A statement that the purchaser is eligible to purchase and possess a firearm under state and federal law((~~; and~~

~~(vi) If purchasing a semiautomatic assault rifle, a statement by the applicant under penalty of perjury that the applicant has completed a recognized firearm safety training program within the last five years, as required by subsection (2) of this section~~)).

(b) The ((~~application~~))dealer shall ((~~contain~~))provide the applicant with information that contains two warnings substantially stated as follows:

(i) CAUTION: Although state and local laws do not differ, federal law and state law on the possession of firearms differ. If you are prohibited by federal law from possessing a firearm, you may be prosecuted in federal court. State permission to purchase a firearm is not a defense to a federal prosecution; and

(ii) CAUTION: The presence of a firearm in the home has been associated with an increased risk of death to self and others, including an increased risk of suicide, death during domestic violence incidents, and unintentional deaths to children and others.

The purchaser shall be given a copy of the department of fish and wildlife pamphlet on the legal limits of the use of firearms and firearms safety.

(c) The dealer shall, by the end of the business day, ((~~sign and attach his or her address and deliver a copy of the application and such other documentation as required under subsections (1) and (2) of this section to the chief of police of the~~

~~municipality or the sheriff of the county of which the purchaser is a resident, or the state pursuant to subsection (3)(b) of this section~~))transmit the information from the application through secure automated firearms e-check (SAFE) to the Washington state patrol firearms background check program. The ((~~triplicate~~))original application shall be retained by the dealer for six years.

(d) The dealer shall deliver the ((~~pistol or semiautomatic assault rifle~~))firearm to the purchaser ((~~following~~))once the requirements and period of time specified in this chapter ((~~unless the dealer is notified of an investigative hold under subsection (5) of this section in writing by the chief of police of the municipality, the sheriff of the county, or the state, whichever is applicable, or of the denial of the purchaser's application to purchase and the grounds thereof~~))are satisfied. The application shall not be denied unless the purchaser is not eligible to purchase or possess the firearm under state or federal law or has not complied with the requirements of this section.

((~~(d)~~))(e) The ((~~chief of police of the municipality or the sheriff of the county, or the state pursuant to subsection (3)(b) of this section,~~))Washington state patrol firearms background check program shall retain or destroy applications to purchase a ((~~pistol or semiautomatic assault rifle~~))firearm in accordance with the requirements of 18 U.S.C. Sec. 922.

((~~(7)(a) To help offset the administrative costs of implementing this section as it relates to new requirements for semiautomatic assault rifles, the department of licensing may require the dealer to charge each semiautomatic assault rifle purchaser or transferee a fee not to exceed twenty-five dollars, except that the fee may be adjusted at the beginning of each biennium to levels not to exceed the percentage increase in the consumer price index for all urban consumers, CPI-W, or a successor index, for the previous biennium as calculated by the United States department of labor.~~

~~(b) The fee under (a) of this subsection shall be no more than is necessary to fund the following:~~

~~(i) The state for the cost of meeting its obligations under this section;~~

~~(ii) The health care authority, mental health institutions, and other health care facilities for state-mandated costs resulting from the reporting requirements imposed by RCW 9.41.097(1); and~~

~~(iii) Local law enforcement agencies for state-mandated local costs resulting from the requirements set forth under RCW 9.41.090 and this section.~~

~~(8)~~))(4) A person who knowingly makes a false statement regarding identity or eligibility requirements on the application to purchase a firearm is guilty of false swearing under RCW 9A.72.040.

((~~(9)~~))(5) This section does not apply to sales to licensed dealers for resale or to the sale of antique firearms.

NEW SECTION. **Sec. 2.** A new section is added to chapter 9.41 RCW to read as follows:

(1) A person applying for the purchase or transfer of a firearm must provide proof of completion of a recognized firearms safety training program within the last five years that, at a minimum, includes instruction on:

(a) Basic firearms safety rules;

(b) Firearms and children, including secure gun storage and talking to children about gun safety;

(c) Firearms and suicide prevention;

(d) Secure gun storage to prevent unauthorized access and use;

(e) Safe handling of firearms;

(f) State and federal firearms laws, including prohibited firearms transfers and locations where firearms are prohibited;

(g) State laws pertaining to the use of deadly force for self-defense; and

(h) Techniques for avoiding a criminal attack and how to manage a violent confrontation, including conflict resolution.

(2) The training must be sponsored by a federal, state, county, or municipal law enforcement agency, a college or university, a nationally recognized organization that customarily offers firearms training, or a firearms training school with instructors certified by a nationally recognized organization that customarily offers firearms training. The proof of training shall be in the form of a certification that states under the penalty of perjury that the training included the minimum requirements.

(3) The training may include stories provided by individuals with lived experience in the topics listed in subsection (1)(a) through (g) of this section or an understanding of the legal and social impacts of discharging a firearm.

(4) The firearms safety training requirement of this section does not apply to:

(a) A person who is a:

(i) General authority Washington peace officer as defined in RCW 10.93.020;

(ii) Limited authority Washington peace officer as defined in RCW 10.93.020 who as a normal part of their duties has arrest powers and carries a firearm;

(iii) Specially commissioned Washington peace officer as defined in RCW 10.93.020 who as a normal part of their duties has arrest powers and carries a firearm; or

(iv) Federal peace officer as defined in RCW 10.93.020 who as a normal part of their duties has arrest powers and carries a firearm; or

(b) A person who is an active duty member of the armed forces of the United States, an active member of the national guard, or an active member of the armed forces reserves who, as part of the applicant's service, has completed, within the last five years, a course of training in firearms proficiency or familiarization that included training on the safe handling and shooting proficiency with firearms.

Sec. 3. RCW 9.41.047 and 2020 c 302 s 60 are each amended to read as follows:

(1)(a) At the time a person is convicted or found not guilty by reason of insanity of an offense making the person ineligible to possess a firearm, or at the time a person is committed by court order under RCW 71.05.240, 71.05.320, 71.34.740, 71.34.750, or chapter 10.77 RCW for mental health treatment, or at the time that charges are dismissed based on incompetency to stand trial under RCW 10.77.088 and the court makes a finding that the person has a history of one or more violent acts, the convicting or committing court, or court that dismisses charges, shall notify the person, orally and in writing, that the person must immediately surrender any concealed pistol license and that the person may not possess a firearm unless his or her right to do so is restored by a court of record. For purposes of this section a convicting court includes a court in which a person has been found not guilty by reason of insanity.

(b) The court shall forward within three judicial days after conviction, entry of the commitment order, or dismissal of charges, a copy of the person's driver's license or identicard, or comparable information such as their name, address, and date of birth, along with the date of conviction or commitment, or date charges are dismissed, to the department of licensing and to the Washington state patrol firearms background check program. When a person is committed by court order under RCW 71.05.240, 71.05.320, 71.34.740, 71.34.750, or chapter 10.77 RCW, for mental health treatment, or when a person's charges are dismissed based on incompetency to stand trial under RCW 10.77.088 and the court makes a finding that the person has a history of one or more violent acts, the court also shall forward, within three judicial days after entry of the commitment order, or dismissal of charges, a copy of the person's driver's license, or comparable information, along with the date of commitment or date charges are dismissed, to the national instant criminal background check system index, denied persons file, created by the federal Brady handgun violence prevention act (P.L. 103-159). The petitioning party shall provide the court with the information required. If more than one commitment order is entered under one cause number, only one notification to the department of licensing, the Washington state patrol firearms background check program, and the national instant criminal background check system is required.

(2) Upon receipt of the information provided for by subsection (1) of this section, the department of licensing shall determine if the convicted or committed person, or the person whose charges are dismissed based on incompetency to stand trial, has a concealed pistol license. If the person does have a concealed pistol license, the department of licensing shall immediately notify the license-issuing authority which, upon receipt of such notification, shall immediately revoke the license.

(3)(a) A person who is prohibited from possessing a firearm, by reason of having been involuntarily committed for mental health treatment under RCW 71.05.240, 71.05.320, 71.34.740, 71.34.750, chapter 10.77 RCW, or equivalent statutes of another jurisdiction, or by reason of having been detained under RCW 71.05.150 or 71.05.153, or because the person's charges were dismissed based on incompetency to stand trial under RCW 10.77.088 and the court made a finding that the person has a history of one or more violent acts, may, upon discharge, petition the superior court to have his or her right to possess a firearm restored.

(b) The petition must be brought in the superior court that ordered the involuntary commitment or dismissed the charges based on incompetency to stand trial or the superior court of the county in which the petitioner resides.

(c) Except as provided in (d) and (e) of this subsection, the court shall restore the petitioner's right to possess a firearm if the petitioner proves by a preponderance of the evidence that:

(i) The petitioner is no longer required to participate in court-ordered inpatient or outpatient treatment;

(ii) The petitioner has successfully managed the condition related to the commitment or detention or incompetency;

(iii) The petitioner no longer presents a substantial danger to himself or herself, or the public; and

(iv) The symptoms related to the commitment or detention or incompetency are not reasonably likely to recur.

(d) If a preponderance of the evidence in the record supports a finding that the person petitioning the court has engaged in violence and that it is more likely than not that the person will engage in violence after his or her right to possess a firearm is restored, the person shall bear the burden of proving by clear, cogent, and convincing evidence that he or she does not present a substantial danger to the safety of others.

(e) If the petitioner seeks restoration after having been detained under RCW 71.05.150 or 71.05.153, the state shall bear the burden of proof to show, by a preponderance of the evidence, that the petitioner does not meet the restoration criteria in (c) of this subsection.

(f) When a person's right to possess a firearm has been restored under this subsection, the court shall forward, within three judicial days after entry of the restoration order, notification that the person's right to possess a firearm has been restored to the department of licensing and the Washington state patrol criminal records division, with a copy of the person's driver's license or identicard, or comparable identification such as their name, address, and date of birth, and to the health care authority, and the national instant criminal background check system index, denied persons file. In the case of a person whose right to possess a firearm has been suspended for six months as provided in RCW 71.05.182, the department of licensing shall forward notification of the restoration order to the licensing authority, which, upon receipt of such notification, shall immediately lift the

suspension, restoring the person's concealed pistol license.

(4) No person who has been found not guilty by reason of insanity may petition a court for restoration of the right to possess a firearm unless the person meets the requirements for the restoration of the right to possess a firearm under RCW 9.41.040(4).

Sec. 4. RCW 9.41.092 and 2019 c 3 s 4 are each amended to read as follows:

((~~(1)~~)) Except as otherwise provided in this chapter ((~~and except for semiautomatic assault rifles under subsection (2) of this section~~)), a licensed dealer may not deliver any firearm to a purchaser or transferee until the earlier of:

((~~(a)~~))(1) The results of all required background checks are known and the purchaser or transferee ((~~(i)~~))(a) is not prohibited from owning or possessing a firearm under federal or state law and ((~~(ii)~~))(b) does not have a voluntary waiver of firearm rights currently in effect; ((~~or~~))and

((~~(b)~~))(2) Ten business days have elapsed from the date the licensed dealer requested the background check. ((~~However, for sales and transfers of pistols if the purchaser or transferee does not have a valid permanent Washington driver's license or state identification card or has not been a resident of the state for the previous consecutive ninety days, then the time period in this subsection shall be extended from ten business days to sixty days.~~

~~(2) Except as otherwise provided in this chapter, a licensed dealer may not deliver a semiautomatic assault rifle to a purchaser or transferee until ten business days have elapsed from the date of the purchase application or, in the case of a transfer, ten business days have elapsed from the date a background check is initiated.~~))

Sec. 5. RCW 9.41.094 and 2019 c 3 s 7 are each amended to read as follows:

A signed application to purchase a ((~~pistol or semiautomatic assault rifle~~))firearm shall constitute a waiver of confidentiality and written request that the health care authority, mental health institutions, and other health care facilities release((~~, to an inquiring court or law enforcement agency,~~)) information relevant to the applicant's eligibility to purchase a ((~~pistol or semiautomatic assault rifle~~))firearm to an inquiring court ((~~or~~)), law enforcement agency, or the Washington state patrol firearms background check program.

Sec. 6. RCW 9.41.097 and 2019 c 3 s 8 are each amended to read as follows:

(1) The health care authority, mental health institutions, and other health care facilities shall, upon request of a court, law enforcement agency, or the state, supply such relevant information as is necessary to determine the eligibility of a person to possess a firearm ((~~or~~)), to be issued a concealed pistol license under RCW 9.41.070, or to purchase a ((~~pistol or semiautomatic assault rifle~~))firearm under RCW 9.41.090.

(2) Mental health information received by: (a) The department of licensing pursuant to RCW 9.41.047 or 9.41.173; (b) an issuing authority pursuant to RCW 9.41.047 or 9.41.070; (c) a chief of police or sheriff pursuant to RCW 9.41.090 or 9.41.173; (d) a court or law enforcement agency pursuant to subsection (1) of this section; or (e) the Washington state patrol firearms background check program pursuant to RCW 9.41.090, shall not be disclosed except as provided in RCW 42.56.240(4).

Sec. 7. RCW 9.41.0975 and 2019 c 3 s 9 are each amended to read as follows:

(1) The state, local governmental entities, any public or private agency, and the employees of any state or local governmental entity or public or private agency, acting in good faith, are immune from liability:

(a) For failure to prevent the sale or transfer of a firearm to a person whose receipt or possession of the firearm is unlawful;

(b) For preventing the sale or transfer of a firearm to a person who may lawfully receive or possess a firearm;

(c) For issuing a concealed pistol license or alien firearm license to a person ineligible for such a license;

(d) For failing to issue a concealed pistol license or alien firearm license to a person eligible for such a license;

(e) For revoking or failing to revoke an issued concealed pistol license or alien firearm license;

(f) For errors in preparing or transmitting information as part of determining a person's eligibility to receive or possess a firearm, or eligibility for a concealed pistol license or alien firearm license;

(g) For issuing a dealer's license to a person ineligible for such a license; or

(h) For failing to issue a dealer's license to a person eligible for such a license.

(2) An application may be made to a court of competent jurisdiction for a writ of mandamus:

(a) Directing an issuing agency to issue a concealed pistol license or alien firearm license wrongfully refused;

(b) Directing ((~~a law enforcement agency~~))the Washington state patrol firearms background check program to approve an application to purchase a ((~~pistol or semiautomatic assault rifle~~))firearm wrongfully denied;

(c) Directing that erroneous information resulting either in the wrongful refusal to issue a concealed pistol license or alien firearm license or in the wrongful denial of a purchase application for a ((~~pistol or semiautomatic assault rifle~~))firearm be corrected; or

(d) Directing a law enforcement agency to approve a dealer's license wrongfully denied.

The application for the writ may be made in the county in which the application for a concealed pistol license or alien firearm

license or an application to purchase a ((~~pistol or semiautomatic assault rifle~~))firearm was made, or in Thurston county, at the discretion of the petitioner. A court shall provide an expedited hearing for an application brought under this subsection (2) for a writ of mandamus. A person granted a writ of mandamus under this subsection (2) shall be awarded reasonable attorneys' fees and costs.

Sec. 8. RCW 9.41.110 and 2019 c 3 s 10 are each amended to read as follows:

(1) No dealer may sell or otherwise transfer, or expose for sale or transfer, or have in his or her possession with intent to sell, or otherwise transfer, any pistol without being licensed as provided in this section.

(2) No dealer may sell or otherwise transfer, or expose for sale or transfer, or have in his or her possession with intent to sell, or otherwise transfer, any firearm other than a pistol without being licensed as provided in this section.

(3) No dealer may sell or otherwise transfer, or expose for sale or transfer, or have in his or her possession with intent to sell, or otherwise transfer, any ammunition without being licensed as provided in this section.

(4) The duly constituted licensing authorities of any city, town, or political subdivision of this state shall grant licenses in forms prescribed by the director of licensing effective for not more than one year from the date of issue permitting the licensee to sell firearms within this state subject to the following conditions, for breach of any of which the license shall be forfeited and the licensee subject to punishment as provided in ((~~RCW 9.41.010 through 9.41.810~~))this chapter. A licensing authority shall forward a copy of each license granted to the department of licensing. The department of licensing shall notify the department of revenue of the name and address of each dealer licensed under this section.

(5)(a) A licensing authority shall, within thirty days after the filing of an application of any person for a dealer's license, determine whether to grant the license. However, if the applicant does not have a valid permanent Washington driver's license or Washington state identification card, or has not been a resident of the state for the previous consecutive ninety days, the licensing authority shall have up to sixty days to determine whether to issue a license. No person shall qualify for a license under this section without first receiving a federal firearms license and undergoing fingerprinting and a background check. In addition, no person ineligible to possess a firearm under RCW 9.41.040 or ineligible for a concealed pistol license under RCW 9.41.070 shall qualify for a dealer's license.

(b) A dealer shall require every employee who may sell a firearm in the course of his or her employment to undergo fingerprinting and a background check. An employee must be eligible to possess a firearm, and must not have been convicted of a crime that would make the person ineligible for a concealed pistol license, before being permitted to sell a firearm. Every employee shall comply with requirements concerning purchase applications and restrictions on delivery of ((~~pistols or semiautomatic assault rifles~~))firearms that are applicable to dealers.

(6)(a) Except as otherwise provided in (b) of this subsection, the business shall be carried on only in the building designated in the license. For the purpose of this section, advertising firearms for sale shall not be considered the carrying on of business.

(b) A dealer may conduct business temporarily at a location other than the building designated in the license, if the temporary location is within Washington state and is the location of a gun show sponsored by a national, state, or local organization, or an affiliate of any such organization, devoted to the collection, competitive use, or other sporting use of firearms in the community. Nothing in this subsection (6)(b) authorizes a dealer to conduct business in or from a motorized or towed vehicle.

In conducting business temporarily at a location other than the building designated in the license, the dealer shall comply with all other requirements imposed on dealers by RCW 9.41.090, 9.41.100, and this section. The license of a dealer who fails to comply with the requirements of RCW 9.41.080 and 9.41.090 and subsection (8) of this section while conducting business at a temporary location shall be revoked, and the dealer shall be permanently ineligible for a dealer's license.

(7) The license or a copy thereof, certified by the issuing authority, shall be displayed on the premises in the area where firearms are sold, or at the temporary location, where it can easily be read.

(8)(a) No ((~~pistol or semiautomatic assault rifle~~))firearm may be sold: (i) In violation of any provisions of ((~~RCW 9.41.010 through 9.41.810~~))this chapter; nor (ii) ((~~may a pistol or semiautomatic assault rifle be sold~~)) under any circumstances unless the purchaser is personally known to the dealer or shall present clear evidence of his or her identity.

(b) A dealer who sells or delivers any firearm in violation of RCW 9.41.080 is guilty of a class C felony. In addition to any other penalty provided for by law, the dealer is subject to mandatory permanent revocation of his or her dealer's license and permanent ineligibility for a dealer's license.

(c) The license fee for pistols shall be one hundred twenty-five dollars. The license fee for firearms other than pistols shall be one hundred twenty-five dollars. The license fee for ammunition shall be one hundred twenty-five dollars. Any dealer who obtains any license under subsection (1), (2), or (3) of this section may also obtain the remaining licenses without payment of any fee. The fees received under this section shall be deposited in the state general fund.

(9)(a) The dealer shall transmit the information from the firearm transfer

application through secure automated firearms e-check (SAFE) to the Washington state patrol firearms background check program. The Washington state patrol firearms background check program shall transmit the application information to the director of licensing daily. The original application shall be retained by the dealer for six years.

(b) A true record ((~~in triplicate~~)) shall be made of every ((~~pistol or semiautomatic assault rifle~~))firearm sold, in a book kept for the purpose, the form of which may be prescribed by the director of licensing and shall be personally signed by the purchaser and by the person effecting the sale, each in the presence of the other, and shall contain the date of sale, the caliber, make, model and manufacturer's number of the weapon, the name, address, occupation, and place of birth of the purchaser, and a statement signed by the purchaser that he or she is not ineligible under state or federal law to possess a firearm. The dealer shall retain the transfer record for six years and shall, within seven days, send a copy of the transfer record to the department of licensing.

((~~(b) One copy shall within six hours be sent by certified mail to the chief of police of the municipality or the sheriff of the county of which the purchaser is a resident, or the state pursuant to RCW 9.41.090; the duplicate the dealer shall within seven days send to the director of licensing; the triplicate the dealer shall retain for six years.~~))

(10) Subsections (2) through (9) of this section shall not apply to sales at wholesale.

(11) The dealer's licenses authorized to be issued by this section are general licenses covering all sales by the licensee within the effective period of the licenses. The department shall provide a single application form for dealer's licenses and a single license form which shall indicate the type or types of licenses granted.

(12) Except as otherwise provided in ((~~RCW 9.41.090~~))this chapter, every city, town, and political subdivision of this state is prohibited from requiring the purchaser to secure a permit to purchase or from requiring the dealer to secure an individual permit for each sale.

Sec. 9. RCW 9.41.1135 and 2020 c 28 s 4 are each amended to read as follows:

(1) Beginning on the date that is thirty days after the Washington state patrol issues a notification to dealers that a state firearms background check system is established within the Washington state patrol under RCW 43.43.580, a dealer shall use the Washington state patrol firearms background check ((~~system~~))program to conduct background checks for all firearms transfers. A dealer may not sell or transfer a firearm to an individual unless the dealer first contacts the Washington state patrol firearms background check program for a background check to determine the eligibility of the purchaser or transferee to possess a firearm under state and federal law and the requirements and time periods established in RCW 9.41.090 and 9.41.092 have been satisfied. ((~~When an applicant applies for the purchase or transfer of a pistol or semiautomatic assault rifle, a dealer shall comply with all requirements of this chapter that apply to the sale or transfer of a pistol or semiautomatic rifle. The purchase or transfer of a firearm that is not a pistol or semiautomatic assault rifle must be processed in the same manner and under the same requirements of this chapter that apply to the sale or transfer of a pistol, except that the provisions of RCW 9.41.129, and the requirement in RCW 9.41.110(9)(b) concerning transmitting application records to the director of licensing, shall not apply to these transactions.~~))

(2) A dealer shall charge a purchaser or transferee a background check fee in an amount determined by the Washington state patrol and remit the proceeds from the fee to the Washington state patrol on a monthly basis. The background check fee does not apply to any background check conducted in connection with a pawnbroker's receipt of a pawned firearm or the redemption of a pawned firearm.

(3) This section does not apply to sales or transfers to licensed dealers or to the sale or transfer of an antique firearm.

Sec. 10. RCW 9.41.129 and 2019 c 3 s 14 are each amended to read as follows:

The department of licensing shall keep copies or records of applications for concealed pistol licenses provided for in RCW 9.41.070, copies or records of applications for alien firearm licenses, copies or records of applications to purchase ((~~pistols or semiautomatic assault rifles~~))firearms provided for in RCW 9.41.090, and copies or records of ((~~pistol or semiautomatic assault rifle~~))firearms transfers provided for in RCW 9.41.110. The copies and records shall not be disclosed except as provided in RCW 42.56.240(4).

NEW SECTION. **Sec. 11.** 2019 c 244 s 1 is repealed.

NEW SECTION. **Sec. 12.** This act takes effect January 1, 2024.

NEW SECTION. **Sec. 13.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2023, in the omnibus appropriations act, this act is null and void."

Correct the title.

Representative Corry moved the adoption of amendment (422) to the striking amendment (338):

On page 1, line 28 of the striking amendment, after "requirements" strike "((~~or~~)) and time periods" and insert "((~~or time periods~~))"

On page 10, beginning on line 22 of the striking amendment, after "until the" strike

all material through "~~initiated.~~))" on line 39 and insert "((~~earlier of:~~

~~(a) The~~)) results of all required background checks are known and the purchaser or transferee ((~~(i)~~)) (1) is not prohibited from owning or possessing a firearm under federal or state law and ((~~(ii)~~)) (2) does not have a voluntary waiver of firearm rights currently in effect((~~; or~~

~~(b) Ten business days have elapsed from the date the licensed dealer requested the background check. However, for sales and transfers of pistols if the purchaser or transferee does not have a valid permanent Washington driver's license or state identification card or has not been a resident of the state for the previous consecutive ninety days, then the time period in this subsection shall be extended from ten business days to sixty days.~~

~~(2) Except as otherwise provided in this chapter, a licensed dealer may not deliver a semiautomatic assault rifle to a purchaser or transferee until ten business days have elapsed from the date of the purchase application or, in the case of a transfer, ten business days have elapsed from the date a background check is initiated.~~))"

Representatives Corry and Walsh spoke in favor of the adoption of the amendment to the striking amendment.

Representative Senn spoke against the adoption of the amendment to the striking amendment.

Amendment (422) to the striking amendment (338) was not adopted.

Representative Christian moved the adoption of amendment (421) to the striking amendment (338):

On page 10, line 29 of the striking amendment, after "check" insert "~~,~~except this 10-day waiting period does not apply to any purchaser or transferee who produces a valid concealed pistol license"

Representatives Christian, Griffey, Abbarno, McEntire, Walsh, Dent and Couture spoke in favor of the adoption of the amendment to the striking amendment.

Representative Berry spoke against the adoption of the amendment to the striking amendment.

Amendment (421) to the striking amendment (338) was not adopted.

Representative Robertson moved the adoption of amendment (419) to the striking amendment (338):

On page 11, line 31 of the striking amendment, after "(1)" strike "The" and insert "((~~The~~)) Except as provided in section 8 of this act, the"

On page 12, after line 36 of the striking amendment, insert the following:

"NEW SECTION. **Sec. 8.** A new section is added to chapter 9.41 RCW to read as follows:

Any immunity from liability relating to firearm-related transactions provided under RCW 9.41.0975, or under any other provision of law, does not apply to the state, a local government entity, or a public agency, where the state, local government entity, or public agency approves a firearm transfer or firearms-related permit or license, or fails to confiscate or forfeit a firearm as required by law, and as a result a person uses the firearm to commit an unlawful act."

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

Representatives Robertson, Abbarno, Graham, Walsh and Corry 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.

Division was demanded and the demand was sustained. The Speaker (Representative Orwall presiding) divided the House. The result was 42 - YEAS; 53 - NAYS.

Amendment (419) to the striking amendment (338) was not adopted.

Representative Griffey moved the adoption of amendment (417) to the striking amendment (338):

On page 15, beginning on line 10 of the striking amendment, after "program." strike all material through "daily." on line 13

On page 15, beginning on line 25 of the striking amendment, after "years" strike all material through "licensing" on line 26

On page 17, line 5 of the striking amendment, after "9.41.070," insert "and"

On page 17, beginning on line 6 of the striking amendment, after "licenses" strike all material through "9.41.110" on line 9 and insert "((~~, copies or records of applications to purchase pistols or semiautomatic assault rifles provided for in RCW 9.41.090, and copies or records of pistol or semiautomatic assault rifle transfers provided for in RCW 9.41.110~~))"

Representatives Griffey, Walsh, Jacobsen, Abbarno, Couture, Christian, McEntire and Graham spoke in favor of the adoption of the amendment to the striking amendment.

Representative Berry spoke against the adoption of the amendment to the striking amendment.

Amendment (417) to the striking amendment (338) was not adopted.

Representative Dye moved the adoption of amendment (420) to the striking amendment (338):

On page 7, beginning on line 7 of the striking amendment, strike all of subsection (3)

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

Representatives Dye, Couture, Abbarno, McEntire, Christian, Walsh, Connors, Chambers and Maycumber spoke in favor of the adoption of the amendment to the striking amendment.

Representative Farivar spoke against the adoption of the amendment to the striking amendment.

Division was demanded and the demand was sustained. The Speaker (Representative Orwall presiding) divided the House. The result was 42 - YEAS; 53 - NAYS.

Amendment (420) to the striking amendment (338) was not adopted.

Representative Berry spoke in favor of the adoption of the striking amendment.

Representative Walsh spoke against the adoption of the striking amendment.

The striking amendment (338) 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 Berry, Peterson and Hackney spoke in favor of the passage of the bill.

Representatives Walsh, Griffey, Schmidt, Abbarno, Caldier, Hutchins, Christian, Chambers, Sandlin, Schmick, Couture, Dent, Cheney, Jacobsen, Ybarra, McEntire, Low, Rude, Connors, Barkis, Barnard, Wilcox, Maycumber and Graham 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 Second Substitute House Bill No. 1143.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1143, and the bill passed the House by the following vote: Yeas, 52; Nays, 44; Absent, 0; Excused, 2

Voting Yea: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Callan, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Hansen, Kloba, Lekanoff, Macri, Mena, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Ryu, Santos, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Walen, Wylie and Mme. Speaker

Voting Nay: Representatives Abbarno, Barkis, Barnard, Bronoske, Caldier, Chambers, Chandler, Chapman, Cheney, Christian, Connors, Corry, Couture, Dent, Dye, Eslick, Goehner, Graham, Griffey, Harris, Hutchins, Jacobsen, Klicker, Kretz, Leavitt, Low, Maycumber, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Rule, Sandlin, Schmick, Schmidt, Steele, Stokesbary, Tharinger, Timmons, Walsh, Waters, Wilcox and Ybarra

Excused: Representatives McClintock and Volz

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1143, having received the necessary constitutional majority, was declared passed.

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

HOUSE BILL NO. 1568, by Representatives Chambers, Tharinger, Schmick, Leavitt, Harris, Klicker, Schmidt, Caldier, Bateman, Christian, Doglio, Lekanoff, Pollet and Macri

Concerning the credentialing of certified health care professionals providing long-term care services.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1568 was substituted for House Bill No. 1568 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1568 was read the second time.

With the consent of the House, amendments (169) and (276) were withdrawn.

Representative Chambers moved the adoption of amendment (379):

On page 1, line 11, after "current renewal fee" insert ", and is exempt from any continuing education requirement imposed as a precondition for returning to active status,"

On page 2, line 9, after "fee" insert ", and is exempt from any continuing education requirement imposed as a precondition for returning to active status,"

On page 7, beginning on line 29, strike all of section 9

Correct the title.

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

MOTION

On motion of Representative Ramel, Representative Hansen was excused.

Amendment (379) 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 Chambers and Slatter 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. 1568.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1568, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Hansen, McClintock and Volz

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1568, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1547, by Representatives Caldier, Christian, Volz, Eslick, Hutchins and Graham

Increasing the health care workforce by authorizing out-of-state providers to practice immediately.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1547 was substituted for House Bill No. 1547 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1547 was read the second time.

Representative Riccelli moved the adoption of the striking amendment (220):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 18.79 RCW to read as follows:

(1) A registered nurse, advanced registered nurse practitioner, or licensed practical nurse may practice in the state for up to 30 days before obtaining an expedited temporary practice permit under section 2 of this act or a temporary practice permit under RCW 18.130.075 if:

(a) The person is licensed and in good standing in the state of Alaska, California, Idaho, or Oregon;

(b) The person has accepted an employment offer requiring the person to be licensed in Washington as a registered nurse, advanced registered nurse practitioner, or licensed practical nurse; and

(c) The person's employer requests authorization for the person to begin practicing in this state by submitting a form to the commission that includes the person's name, license number, and date of birth, and the commission certifies that the person is licensed and in good standing in the state of Alaska, California, Idaho, or Oregon. The commission must inform the employer of the decision and the authorization within two business days.

(2)(a) A person qualified to practice under this section may only practice in this state to the extent authorized by this chapter as if the person were licensed in this state.

(b) The commission may modify or restrict the services that a person qualified to practice under this section may provide.

(c) An employer of a person qualified to practice under this section may restrict the services that the person may provide.

(3) The right to practice in this state pursuant to this section shall be subject to discipline by order of the commission upon a finding by the commission of an act of unprofessional conduct as defined in RCW 18.130.180 or that the individual is unable to practice with reasonable skill or safety due to a mental or physical condition as described in RCW 18.130.170. A person qualified to practice under this section shall have the same rights of notice, hearing, and judicial review as provided generally under this chapter and chapter 18.130 RCW.

NEW SECTION. **Sec. 2.** A new section is added to chapter 18.79 RCW to read as follows:

(1) The commission shall issue an expedited temporary practice permit to practice as a registered nurse, advanced registered nurse practitioner, or licensed practical nurse to a person who:

(a) Holds a current license to practice as a registered nurse, advanced registered nurse practitioner, or licensed practical nurse issued by a professional licensing board in the state of Alaska, California, Idaho, or Oregon;

(b) Provides to the commission, in a manner determined by the commission, sufficient proof that the person is in good standing with the issuing out-of-state professional licensing board;

(c) Submits information required for the national background check fingerprint process, if applicable; and

(d) Meets all other requirements and qualifications for a temporary practice permit in accordance with RCW 18.130.075.

(2) An expedited temporary practice permit issued under this section permits a person to practice as a registered nurse, advanced registered nurse practitioner, or licensed practical nurse in Washington, pending the results of the fingerprint-based national background check, to the extent allowed by rules adopted by the commission, and is valid until the earliest of the following:

(a) The date the person is granted a full license to practice as a registered nurse, advanced registered nurse practitioner, or licensed practical nurse in Washington; or

(b) The date the expedited temporary practice permit expires.

(3) An expedited temporary practice permit issued under this section is not renewable.

NEW SECTION. **Sec. 3.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2023."

Correct the title.

Representatives Riccelli and Caldier spoke in favor of the adoption of the striking amendment.

The striking amendment (220) 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 Caldier and Riccelli 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. 1547.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1547, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Hansen, McClintock and Volz

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1547, having received the necessary constitutional majority, was declared passed.

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. 1278
HOUSE BILL NO. 1468
HOUSE BILL NO. 1503
HOUSE BILL NO. 1522
HOUSE BILL NO. 1534
HOUSE BILL NO. 1838

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

SECOND READING

HOUSE BILL NO. 1479, by Representatives Callan, Santos, Goodman, Ramel, Ormsby and Pollet

Concerning restraint or isolation of students in public schools and educational programs.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1479 was substituted for House Bill No. 1479 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1479 was read the second time.

With the consent of the House, amendments (385), (380), (383), (391), (382), (389), (384), (381), (352), (387), (388), (390) and (236) were withdrawn.

Representative Rude moved the adoption of the striking amendment (308):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 28A.600 RCW to read as follows:

(1) **Purpose.** The purposes of this section are to: Protect students from physically harmful and emotionally traumatic practices of chemical restraint, mechanical restraint, and isolation; prohibit use of physical restraint imposed solely for purposes of student discipline or staff convenience; improve the safety and well-being of all staff and students by increasing the professional development and technical assistance provided to staff; and enhance the public accountability of school districts and other providers of public educational services.

(2) **Prohibited and limited isolation and restraint of students.**

(a) The staff of any school district or other provider of public educational services may not subject any student to prohibited isolation or restraint during the provision of educational services.

(b) The staff of any school district or other provider of public educational services may use physical restraint during the provision of educational services only when:

(i) A student's behavior poses an imminent likelihood of serious harm to the student or to others;

(ii) Less restrictive interventions would be ineffective in stopping the imminent likelihood of serious harm to the student or to others;

(iii) The least amount of force necessary is used to protect the student or another person from imminent likelihood of serious harm to the student or to others; and

(iv) The physical restraint of the student ends immediately upon the cessation of the imminent likelihood of serious harm to the student or to others.

(c) Until August 1, 2025, the staff of any school district or other provider of public educational services may isolate a student in an isolation room, during the provision of educational services only when:

(i) A student's behavior poses an imminent likelihood of serious harm to the student or to others;

(ii) Less restrictive interventions would be ineffective in stopping the imminent likelihood of serious harm to the student or to others;

(iii) The least amount of force necessary is used to protect the student or another person from imminent likelihood of serious harm to the student or to others; and

(iv) The isolation of the student ends immediately upon the cessation of the imminent likelihood of serious harm to the student or to others.

(d) Neither a student nor the student's parent or legal guardian may consent, or be asked to consent, to the use of isolation or restraint that is prohibited under this subsection (2).

(e) Nothing in this subsection (2) prohibits a school resource officer as defined in RCW 28A.320.124 from carrying out the lawful duties of a commissioned law enforcement officer.

(3) **Isolation rooms.**

(a)(i) Except as provided in (a)(ii) of this subsection (3), beginning August 1, 2023, school districts and other providers of public educational services shall require that doors to isolation rooms always remain unlocked to the occupants.

(ii) With regard to isolation of students in grades six through 12 in a locked isolation room, a school district or other provider of public educational services that notifies the office of the superintendent of public instruction, by August 1, 2023, of its intent to apply for a time limited waiver of the requirements of (a)(i) of this subsection (3) is not required to comply with the requirements of (a)(i) of this subsection (3) until after it applies to the office of the superintendent of public instruction as described in section 2 of this act, which must be within 90 days of providing its notice, and the office of the superintendent of public instruction either: (A) Grants a time limited waiver that expires no later than August 1, 2025; or (B) denies the application for a waiver and sets a deadline for compliance with the requirements of (a)(i) of this subsection (3).

(b) School districts and other providers of public educational services are prohibited from constructing isolation rooms or other settings for the purpose of isolating a student.

(c) By August 1, 2025, school districts and other providers of public educational services shall remove or repurpose all isolation rooms.

(d) The provisions of this subsection (3) do not apply to a state-operated psychiatric hospital that serves students.

(4) **Notifications.** After each incident of isolation or restraint, whether prohibited or limited, the following notifications must be made:

(a) Immediately following the release of the student from isolation or restraint, the staff who used, or directed the use of, isolation or restraint shall notify the principal, other building administrator, or designee, of the provider of public educational services about the incident;

(b) The principal, other building administrator, or designee of the provider of public educational services shall:

(i) Notify the student's parent or legal guardian about the incident, within 24 hours of the incident; and

(ii) Send written documentation to the parent or legal guardian, within three business days of the incident; and

(c) With regard to use of prohibited isolation or restraint, the principal, other building administrator, or designee, of the provider of public educational services shall notify the following people or entities about the incident in accordance with the applicable deadlines:

(i) The school district superintendent or other chief administrator of the provider of public educational services, within one business day of the incident;

(ii) The office of the superintendent of public instruction, within three business days of the incident; and

(iii) If the school district or other provider of public educational services is a contractor, the contractee, within three business days of the incident.

(5) **Incident reviews.** After every incident of isolation or restraint, whether prohibited or limited, the following incident reviews must be completed.

(a) As soon as practicable, but no later than one week following submission of the incident report as required under subsection (6)(a) of this section, the principal, other building administrator, or designee, of the provider of public educational services shall review the incident with the student and the student's parent or legal guardian to discuss relevant events that occurred before, during, and after the incident, and to inform the student's parent or legal guardian about behavioral intervention planning that must be completed under subsection (7) of this section.

(b) As soon as practicable following the release of a student from isolation or restraint, staff must provide the student with an opportunity to meet with a counselor, nurse, psychologist, or social worker to reflect, process, and recover.

(c) As soon as practicable following the release of a student from isolation or restraint, a team of staff, including the staff who used, or directed the use of, isolation or restraint, shall review the incident to, among other things:

(i) Provide the staff who used, or directed the use of, isolation or restraint with an opportunity to reflect, process, and recover;

(ii) Determine whether proper procedures were followed; and

(iii) Identify additional training, coaching, or assistance that may support staff who used, or directed the use of, isolation or restraint to use less restrictive interventions in similar situations in the future.

(6) **Incident reports.** The following reports related to incidents of isolation and restraint, whether prohibited or limited, and incidents of room clears must be prepared and submitted.

(a) Within two business days of the incident, staff who used, or directed the use of, isolation, restraint, or a room clear shall prepare and submit a written report of the incident to the school district superintendent or other chief administrator of the provider of public educational services. At a minimum, the written report must include:

(i) The date, time, duration, and location of the incident;

(ii) Names and job titles of staff who used, or directed the use of, isolation, restraint, or a room clear and of staff who observed the incident;

(iii) The type of restraint or isolation used, if applicable;

(iv) A description of relevant events that occurred before, during, and after the incident, including any less restrictive interventions attempted;

(v) Information about any known physical injuries or psychological trauma experienced by the student or staff due to the incident, including whether medical care was sought or received, and whether staff requested or used leave benefits;

(vi) Recommended preventative actions for the staff or the provider of public educational services to take to prevent similar, future incidents; and

(vii) Other information as required by rule of the office of the superintendent of public instruction.

(b) The school district superintendent or other chief administrator of a provider of public educational services shall prepare a summary of the incident reports submitted under (a) of this subsection (6), at least annually and as required by the school district board of directors or other governing body of a provider of public educational services. The summary must be disaggregated for purposes of trend analyses, for example by the student categories and subcategories provided under RCW 28A.300.042 (1) and (3), student gender, students who are dependent pursuant to chapter 13.34 RCW, students who are homeless as defined in RCW 43.330.702, students who are multilingual/English learners, status as a student with a parent who is a member of the armed forces, by school or other applicable unit, by staff job title, by contractor, and by incident type.

(c) The school district superintendent or other chief administrator of a provider of public educational services must submit incident report data and summaries prepared under (a) and (b) of this subsection (6), at the time and in the manner required by the office of the superintendent of public instruction.

(7) **Behavioral intervention plan.** After every incident of isolation or restraint, whether prohibited or limited, the following activities related to behavioral intervention planning must be completed.

(a) As soon as practicable following the release of a student from isolation or restraint, staff shall:

(i) Complete a functional behavioral assessment of the student, unless a functional behavioral assessment was previously completed for the behavior of concern; and

(ii) Develop a behavioral intervention plan for the student or, if a behavioral intervention plan has already been developed, review the behavioral intervention plan and modify it as necessary to address the student's behavior of concern.

(b) Nothing in this subsection (7) limits behavioral intervention planning for students with individualized education programs under Part B of the federal individuals with disabilities education act, Title 20 U.S.C. Sec. 1400 et seq.

(8) **Policies and procedures.**

(a) The school district board of directors or other governing body of a provider of public educational services shall adopt a student isolation and restraint policy and procedures that meets the requirements of this section. The procedures must include a process for convening a team of staff to review every incident of isolation or restraint using a systems improvement approach that focuses on supporting staff to use less restrictive interventions as alternatives to isolation and restraint.

(b) During the 2024-25 school year, and periodically thereafter, the school district board of directors or other governing body of a provider of public educational services shall review and revise, as necessary, its student isolation and restraint policy and procedures with input from staff, students, students' families, advocacy organizations, and other appropriate members of the community.

(9) **Professional development plans.**

(a)(i) By January 30, 2024, the school district superintendent or other chief administrator of a provider of public educational services, or the school district board of directors or other governing body of a provider of public educational services, shall prepare and submit to the office of the superintendent of public instruction a staff professional development plan and timeline as required by this subsection (9).

(ii) By August 31, 2024, and by August 31st annually thereafter, an update on the implementation of its staff professional development plan must be submitted to the office of the superintendent of public instruction.

(b)(i) The plan must include professional development on the following topics:

(A) The policy and procedure adopted under subsection (8) of this section;

(B) Evidence-based, trauma-informed, student-centered, proactive crisis prevention and intervention practices that are less restrictive than isolation and restraint, such as de-escalation strategies;

(C) Evidence-based, trauma-informed, behavioral health supports for students and staff that include restorative practices; and

(D) Evidence-based, systemic approaches to eliminating the use of prohibited isolation and restraint, to reduce the use of physical restraint, and to eliminate disparities in use of prohibited and limited isolation and restraint, such as multitiered systems of support and universal design for learning.

(ii) The plan and any updates must describe the professional development that will be provided to staff during the following school year. Any professional development programs and resources provided to staff must be selected from the list developed by the office of the superintendent of public instruction as required by section 2(4) of this act.

(iii) Example modes of professional development include: Trainings provided by the office of the superintendent of public instruction, educational service districts, the school district or other provider of public educational services; pursuit of credentials through formal education programs; working with a mentor or coach; and involvement in professional learning communities. Nothing in this subsection (9) requires all staff to be provided identical or equivalent professional development. Rather, professional development content, intensity, duration, and frequency must be appropriate to each staff type, staff experience, and staff assignment, and must be informed by the incident reviews

completed under subsection (5) of this section.

(iv) To the extent the use of the funds is not specified in RCW 28A.415.445 or the omnibus operating appropriations act, school districts and other providers of public educational services that receive funding for professional learning days under RCW 28A.150.415 may use this funding to meet the requirements of this subsection (9).

(c) Professional development must be prioritized to staff in the following order:

(i) First to staff providing educational services to students with disabilities in prekindergarten through grade five;

(ii) Second to staff providing educational services to students with disabilities in grades six through 12; and

(iii) Third to all other staff.

(d) The plan must describe the mechanism used to determine whether an entity under contract to provide educational services to students is providing professional development to the contractor's staff as required by this subsection (9).

(10) **Duties of governing bodies.**

(a) Beginning in the 2023-24 school year, and every four years thereafter, each member of a school district board of directors or other governing body of a provider of public educational services shall complete the training program on student isolation and restraint provided at no cost as required under section 2(6) of this act.

(b) On an annual basis, the school district board of directors or other governing body of a provider of public educational services shall monitor the impact of the policy and procedures adopted under subsection (8) of this section by, at a minimum: (i) Performing trend analyses using the summary of incident reports prepared by the school district superintendent or other chief administrator of the provider of public educational services under subsection (6) of this section; and (ii) reviewing the professional development plan and updates prepared under subsection (9) of this section.

(11) **Rules.** The office of the superintendent of public instruction shall adopt rules under chapter 34.05 RCW for the implementation of this section.

(12) **Definitions.** The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Behavioral intervention plan" means the individualized plan developed for a student and implemented by staff for the purpose of changing, replacing, modifying, or eliminating a student's behavior or behaviors of concern.

(b) "Chemical restraint" means a drug or chemical administered by staff to a student to control the student's behavior or restrict the student's freedom of movement that is: (i) Not prescribed by a licensed health professional acting within the scope of the practice of that health profession for the standard treatment of a student's medical or psychiatric condition; (ii) not administered by a licensed health professional acting within the scope of the practice of that health profession; or (iii) not administered in accordance with the student's medical or psychiatric treatment plan.

(c) "Educational service" means instruction and other activities delivered or sponsored by a school district or other provider of public educational services, for example: General education services; special education services; medical services; safety and security services; transportation services; and any developmental, corrective, or other supportive services necessary for a student eligible for special education services to benefit from special education services.

(d) "Functional behavioral assessment" means the process or evaluation used by staff to understand the cause or purpose of a student's specific behavior or behaviors of concern in a specific environment.

(e) "Imminent" means the state or condition of being likely to occur at any moment or near at hand, rather than distant or remote.

(f) "Isolation," also known as seclusion, means the involuntary isolation of a student, by staff, in an isolation room from which the student is not free to leave. "Isolation" does not include a time away, which is a student-selected behavior management technique that provides a student with an opportunity for self-calming, where the student is separated from others for a limited period, in a setting that is staff-monitored and from which the student may leave at any time.

(g) "Isolation room" means a room or other enclosed area, whether within or outside a classroom, used to isolate a student.

(h) "Likelihood of serious harm" means a substantial risk that:

(i) Harm will be inflicted by the student upon his or her own person, as evidenced by threats or attempts to commit suicide, or inflict harm on oneself; or

(ii) Harm will be inflicted by the student upon another, as evidenced by behavior that places another person or persons in reasonable fear of sustaining such harm.

(i) "Mechanical restraint" means staff use of a device to restrict a student's freedom of movement. "Mechanical restraint" does not include: (i) A device used by staff or a student: (A) As prescribed by a licensed health professional acting within the scope of the practice of that health profession; (B) as documented in a student's individualized education program under Part B of the federal individuals with disabilities education act, Title 20 U.S.C. Sec. 1400 et seq. or a student's plan developed under section 504 of the rehabilitation act of 1973; or (C) for a specific therapeutic, orthopedic, or medical purpose, when used for its designed purpose; or (ii) the use of vehicle safety restraints when used as intended during the transport of a student in a moving vehicle.

(j) "Physical escort" means the temporary touching or holding of a student's hand, wrist, arm, shoulder, or back by staff, without the use of force, for the purpose of directing the student to a safe or otherwise appropriate location.

(k) "Physical prompt" means a teaching technique used by staff that involves voluntary physical contact with a student for the purpose of enabling the student to learn or model the physical movement necessary for the development of a desired competency.

(l) "Physical restraint" means physical contact by one or more staff that immobilizes or reduces the ability of a student to move the student's arms, legs, torso, or head freely. "Physical restraint" does not include chemical restraint, mechanical restraint, physical escort, or physical prompt.

(m) "Prohibited isolation or restraint" means staff use of one or more of the following interventions on a student:

(i) Chemical restraint;

(ii) Mechanical restraint;

(iii) Beginning August 2, 2025, isolation;

(iv) Physical restraint or physical escort that is life-threatening, restricts breathing, or restricts blood flow to the brain, including prone, supine, and wall restraints;

(v) Isolation or physical restraint that is contraindicated based on the student's disability or health care needs or medical or psychiatric condition as documented in:

(A) A health care directive or medical management plan;

(B) A behavioral intervention plan;

(C) An individualized education program under Part B of the federal individuals with disabilities education act, Title 20 U.S.C. Sec. 1400 et seq.; or

(D) A plan developed under section 504 of the federal rehabilitation act of 1973;

(vi) Corporal punishment as prohibited by RCW 28A.150.300; and

(vii) Noxious spray and other aversive intervention as prohibited in rule of the office of the superintendent of public instruction.

(n) "Provider of public educational services" means any entity that directly operates, or provides educational services under contract to, an elementary or secondary school program that receives public funds from the office of the superintendent of public instruction. "Provider of public educational services" includes a school district, public school as defined in RCW 28A.150.010, an educational service district, an institutional education provider as defined in RCW 28A.190.005, a public agency or private entity providing educational services under contract with any other provider of public educational services, and any providers of services in accordance with Part B of the federal individuals with disabilities education act, Title 20 U.S.C. Sec. 1400 et seq. In addition, "provider of public educational services" includes the state school for the blind and the center for deaf and hard of hearing youth established under RCW 72.40.010.

(o) "Restraint" includes chemical restraint, mechanical restraint, and physical restraint.

(p) "Room clear" means the procedure used by staff in an emergency to direct all students, except for any students causing the emergency, to leave a room. Except as provided in rule of the office of the superintendent of public instruction, a room clear is not isolation.

(q) "Staff" means an employee or contractor of a school district or other provider of public educational services. "Staff" does not include licensed or certified health professionals of inpatient health care facilities.

(r) "Students" means children and youth served by a school district or other provider of public educational services.

NEW SECTION. **Sec. 2.** A new section is added to chapter 28A.300 RCW to read as follows:

(1) As required by this section, the office of the superintendent of public instruction shall monitor and support the compliance of school districts and other providers of public educational services with requirements related to prohibited and limited uses of student isolation and restraint under section 1 of this act.

(2) Within three months of receipt, the office of the superintendent of public instruction shall review each professional development plan and update submitted by a school district or other provider of public educational services under section 1(9) of this act.

(3) At least annually, the office of the superintendent of public instruction shall require school districts and other providers of public educational services to submit incident report data and summaries prepared under section 1(6) of this act. The office of the superintendent of public instruction shall publish the incident report data and summaries on its website within 90 days of receipt. The data must be published in a manner that allows trend analyses, including analysis of intersecting marginalized identities.

(4)(a) Subject to the availability of amounts appropriated for this specific purpose, the office of the superintendent of public instruction shall provide technical assistance to school districts and other providers of public educational services to meet the requirements of section 1 of this act. At a minimum, this technical assistance must include:

(i) Developing and publishing guidance on the requirements of section 1 of this act and related rules;

(ii) Identifying and publishing a list of professional development programs and resources that meet the requirements of section 1(9) of this act;

(iii) Providing or contracting for the provision of professional development that meets the requirements of section 1(9) of this act. The office of the superintendent of public instruction shall establish the criteria for and prioritize the provision of professional development that gives priority to: (A) School districts and other providers of public educational services that were approved for a waiver under subsection (7) of this section; (B) staff who provide educational services to students in prekindergarten through grade five; and (C) school districts and other providers of

public educational services with high incidents of isolation, restraint, or room clears. Professional development must be provided to the principals and other building administrators of the school districts and other providers of public educational services identified as priorities under this section; and

(iv) Completing site visits and providing on-site coaching, when appropriate.

(b) Prior to implementing the technical assistance described in (a) of this subsection (4), and periodically thereafter, the office of the superintendent of public instruction shall collaborate with statewide associations representing school administrators, classified staff, and certificated staff to conduct focus groups for the purpose of better understanding staff challenges related to implementation of section 1 of this act.

(5) When a school district or other provider of public educational services is not making sufficient progress towards the goals established in its professional development plan submitted under section 1(9) of this act or when disparities in use of isolation or restraint are identified in its incident report data submitted under section 1(6) of this act, the office of the superintendent of public instruction shall place the school district or other provider of public educational services on a plan of improvement. Under a plan of improvement, the office of the superintendent of public instruction shall provide targeted technical assistance, including annual site visits, until the school district or other provider of public educational services meets its professional development plan goals, or eliminates disparities in use of isolation or restraint, or both.

(6)(a) As required by this subsection (6), the office of the superintendent of public instruction shall develop and periodically update a training program on student isolation and restraint for school district boards of directors and the governing bodies of other providers of public educational services.

(b) At a minimum, the training program must include the following content: The legal prohibitions and limitations on the use of isolation and restraint on students provided under section 1 of this act; the social-emotional and physical impacts to students and staff resulting from the use of isolation and restraint rather than trauma-informed interventions, such as de-escalation strategies and student-centered, restorative practices; how to assess compliance with section 1 of this act; and options for supporting system improvement by reprioritizing resources.

(c) The training program must be developed and updated in partnership with the Washington state school directors' association.

(d) The training program must be made available at no cost to school district boards of directors, the governing bodies of other providers of public educational services, and the Washington state school directors' association.

(7)(a) By August 1, 2023, and as required by this subsection (7), the office of the superintendent of public instruction shall establish a process for school districts and other providers of public educational services to apply for a time limited waiver, which expires no later than August 1, 2025, of the requirements of section 1(3)(a)(i) of this act that permits the isolation of students in grades six through 12 in a locked isolation room.

(b) The office of the superintendent of public instruction shall provide technical assistance to school districts and other providers of public educational services that have notified the office by August 1, 2023, of their intent to apply for a waiver. Technical assistance must include assisting with the preparation of a professional development plan that supports compliance with the requirements of section 1(3)(a)(i) of this act as soon as possible, but no later than the end of an approved waiver period.

(c) The office of the superintendent of public instruction shall notify applicants as soon as possible whether their application has been approved or denied. If the office of the superintendent of public instruction denies an application, it must set a deadline for the school district or other provider of public educational services to comply with the requirements of section 1(3)(a)(i) of this act and notify the school district or other provider of public educational services of the compliance deadline as soon as possible.

(d) School districts and other providers of public educational services granted a waiver under this subsection (7) must provide professional development to staff and conduct other activities necessary to comply with the requirements of section 1(3)(a)(i) of this act by the end of the approved waiver period.

(8) Annually by November 1st, and in compliance with RCW 43.01.036, the office of the superintendent of public instruction shall report to the appropriate committees of the legislature with a summary of its activities to monitor and support the compliance of school districts and other providers of public educational services with requirements related to prohibited and limited uses of student isolation and restraint under section 1 of this act. The report must describe the progress that school districts and other providers of public educational services have made towards providing professional development to staff as required by section 1(9) of this act. The report must also highlight exemplar school districts and other providers of public educational services using best practices to eliminate the use of isolation and restraint.

(9) The office of the superintendent of public instruction shall adopt rules under chapter 34.05 RCW for the implementation of this section.

(10) As used in this section, "isolation," "provider of public educational services," "restraint," and "staff" have the same meaning as in section 1 of this act.

NEW SECTION. **Sec. 3.** (1) By December 1, 2024, and in compliance with RCW

43.01.036, with respect to student isolation and restraint-related professional development requirements under sections 1 and 2 of this act, the office of the superintendent of public instruction must report to the appropriate committees of the legislature with its progress on developing a professional development deployment strategy and assembling of a network of professional development providers, as well as its assessment of the need and demand for professional development in the coming biennium.

(2) This section expires June 30, 2025.

NEW SECTION. **Sec. 4.** (1) By December 1, 2023, and in compliance with RCW 43.01.036, the Washington professional educator standards board and the paraeducator board must jointly submit to the appropriate committees of the legislature a plan for integrating into educator preparation programs and paraeducator certificate requirements instruction requirements related to prohibited and limited uses of student isolation and restraint under section 1 of this act.

(2) This section expires June 30, 2024.

NEW SECTION. **Sec. 5.** (1) The office of the superintendent of public instruction must contract with a research entity to study and report on the use of room clears in Washington. The research entity must analyze and report on the impacts of a room clear on the students involved, including those who are removed from the classroom. The report must, at a minimum, consider the impact of room clears on lost instructional time, student mental health, and social-emotional learning. The research entity must also identify and summarize best practices on the use of room clears. The report of the research entity must be submitted by the office of the superintendent of public instruction to the appropriate committees of the legislature by September 1, 2024, in compliance with RCW 43.01.036.

(2) This section expires June 30, 2027.

Sec. 6. RCW 28A.155.210 and 2013 c 202 s 3 are each amended to read as follows:

A school that is required to develop an individualized education program as required by federal law must include within the plan procedures for notification of, and incident review with, a parent or legal guardian regarding the use of restraint or isolation as provided under section 1 of this act.

Sec. 7. RCW 28A.310.515 and 2021 c 38 s 4 are each amended to read as follows:

(1)(a) A safety and security staff training program is established. The program must be jointly developed by the educational service districts, but may be administered primarily by one or more educational service districts. The program must meet the requirements of this section.

(b) When developing the safety and security staff training program, the educational service districts should engage with the state school safety center established in RCW 28A.300.630 and the school safety and student well-being advisory committee established in RCW 28A.300.635.

(2) The educational service districts must identify or develop classroom training on the following subjects:

(a) Constitutional and civil rights of children in schools, including state law governing search and interrogation of youth in schools;

(b) Child and adolescent development;

(c) Trauma-informed approaches to working with youth;

(d) Recognizing and responding to youth mental health issues;

(e) Educational rights of students with disabilities, the relationship of disability to behavior, and best practices for interacting with students with disabilities;

(f) Bias free policing and cultural competency, including best practices for interacting with students from particular backgrounds, including English learner, LGBTQ, immigrant, female, and nonbinary students;

(g) Local and national disparities in the use of force and arrests of children;

(h) Collateral consequences of arrest, referral for prosecution, and court involvement;

(i) Resources available in the community that serve as alternatives to arrest and prosecution and pathways for youth to access services without court or criminal justice involvement;

(j) De-escalation techniques when working with youth or groups of youth;

(k) State law regarding restraint and isolation in schools, including ((~~RCW 28A.600.485~~))section 1 of this act;

(l) The federal family educational rights and privacy act (20 U.S.C. Sec. 1232g) requirements including limits on access to and dissemination of student records for noneducational purposes; and

(m) Restorative justice principles and practices.

(3) The educational service districts must provide, or arrange for the delivery of, classroom training on the subjects listed in subsection (2) of this section. At a minimum, classroom trainings on each subject must be provided annually, remotely, synchronously or asynchronously, and by at least one educational service district. Classroom training may be provided on a fee-for-service basis and should be self-supporting.

(4) The educational service districts must provide to safety and security staff, upon request, documentation that the safety and security staff training series described in RCW 28A.400.345(2) has been completed. Before providing this training series documentation, completion of each component of the training series must be verified or, in the case of safety and security staff with significant prior training and experience, waived.

(5) The educational service districts must develop and publish guidelines for on-the-job training and check-in training that include recommendations for identifying and recruiting experienced safety and security staff to provide the trainings, suggested

activities during on-the-job trainings, and best practices for meaningful check-in trainings. The guidelines for check-in training must also include recommended frequency, possible topics of discussion, and options for connecting virtually.

(6) For purposes of this section, the term "safety and security staff" has the same meaning as in RCW 28A.320.124.

NEW SECTION. **Sec. 8.** RCW 28A.600.485 (Restraint of students—Use of restraint or isolation specified in individualized education programs or plans developed under section 504 of the rehabilitation act of 1973—Procedures—Summary of incidents of isolation or restraint—Publishing to website) and 2015 c 206 s 3 & 2013 c 202 s 2 are each repealed.

NEW SECTION. **Sec. 9.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2023, in the omnibus appropriations act, this act is null and void."

Correct the title.

Representative Rude moved the adoption of amendment (438) to the striking amendment (308):

On page 1, beginning on line 14 of the striking amendment, strike all of subsections (2) and (3) and insert the following:

"(2) **Prohibited isolation and restraint of students.**

(a) The staff of any school district or other provider of public educational services may not subject any student to prohibited isolation or restraint during the provision of educational services.

(b)(i) The isolation of any student in prekindergarten through grade 2 by the staff of any school district or other provider of public educational services during the provision of educational services is prohibited.

(ii) Beginning January 1, 2026, the isolation of any student in grade 3 through 12 by the staff of any school district or other provider of public educational services during the provision of educational services is prohibited.

(c) Neither a student nor the student's parent or legal guardian may consent, or be asked to consent, to the use of isolation or restraint that is prohibited under this subsection (2).

(3) **Limited physical restraint of students.** The staff of any school district or other provider of public educational services may use physical restraint during the provision of educational services only when:

(a) The student's behavior poses an imminent likelihood of serious harm to the student or to others;

(b) Less restrictive interventions would be ineffective in stopping the imminent likelihood of serious harm to the student or to others;

(c) The least amount of force necessary is used to protect the student or another person from an imminent likelihood of serious harm to the student or to others; and

(d) The physical restraint of the student ends immediately upon the cessation of the imminent likelihood of serious harm to the student or to others.

(4) **Limited isolation of students in isolation rooms.**

(a) Through December 31, 2025, the staff of any school district or other provider of public educational services may use isolation on a student who is in grade three through twelve during the provision of educational services only when:

(i) The student's behavior poses an imminent likelihood of serious harm to the student or to others;

(ii) Less restrictive interventions would be ineffective in stopping the imminent likelihood of serious harm to the student or to others;

(iii) The least amount of force necessary is used to protect the student or another person from an imminent likelihood of serious harm to the student or to others; and

(iv) The isolation of the student ends immediately upon the cessation of the imminent likelihood of serious harm to the student or to others.

(b)(i) Except as provided in (b)(ii) of this subsection (4), beginning August 1, 2023, school districts and other providers of public educational services shall require that doors to isolation rooms remain unlocked to the occupants.

(ii) Using the process established as required by section 2(7) of this act, school districts and other providers of public educational services may, through December 31, 2025, claim a waiver of the requirements of (b)(i) of this subsection (4) to permit the isolation of students in grades three through 12 in a locked isolation room. School districts and other providers of public educational services claiming a waiver must provide professional development to staff and conduct other activities necessary to comply with the requirements of (b)(i) of this subsection (4) no later than January 1, 2026.

(c)(i) School districts and other providers of public educational services are prohibited from constructing isolation rooms or other settings for the purpose of isolating a student.

(ii) By January 1, 2026, school districts and other providers of public educational services shall remove or repurpose all isolation rooms.

(5) **Exemptions.**

(a) The provisions of subsections (4)(b) and (c) of this section do not apply to a state-operated psychiatric hospital that serves students.

(b) Nothing in subsections (2) through (4) of this section prohibits a school resource officer as defined in RCW 28A.320.124 from carrying out the lawful duties of a commissioned law enforcement officer."

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

On page 10, beginning on line 2 of the striking amendment, after "staff" strike all material through "force," on line 3

On page 10, line 18 of the striking amendment, strike all of subsection (iii)

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

On page 13, beginning on line 32 of the striking amendment, strike all of subsection (7) and insert the following:

"(7)(a) By August 1, 2023, and as required by this subsection (7), the office of the superintendent of public instruction shall establish and implement a process for school districts and other providers of public educational services to claim a waiver of the requirements of section 1(4)(b)(i) of this act to permit the isolation of students in grades three through 12 in a locked isolation room. The office of the superintendent of public instruction must grant a waiver to any school district or other provider of public educational services that claims a waiver by August 1, 2023.

(b) The office of the superintendent of public instruction shall provide technical assistance to school districts and other providers of public educational services that claims a waiver. Technical assistance must include assisting with the preparation of a professional development plan that supports compliance with the requirements of section 1(4)(b)(i) of this act as soon as possible, but no later than January 1, 2026."

Representatives Rude and Callan spoke in favor of the adoption of the amendment to the striking amendment.

MOTION

On motion of Representative Ramel, Representative Paul was excused.

Amendment (438) to the striking amendment (308) was adopted.

Representative Couture moved the adoption of amendment (348) to the striking amendment (308):

On page 3, line 9, after "After" strike "each incident" and insert "incidents"

On page 3, line 10, after "limited," insert "and after incidents of a room clear,"

On page 3, line 13, after "restraint," insert "and immediately following the return of students from a room clear,"

On page 3, line 14, after "isolation" strike "or restraint" and insert ", restraint, or a room clear"

On page 3, line 22, after "incident" insert ", and, when possible, send written documentation to the parent or legal guardian via email, on the same calendar day as the incident"

On page 3, line 36, after "After" strike "every incident" and insert "incidents"

On page 3, line 37, after "limited," insert "and after incidents of room clears,"

On page 4, line 13, after "restraint" insert "or the return of students from a room clear"

On page 4, line 14, after "isolation" strike "or restraint" and insert ", restraint, or a room clear"

On page 4, at the beginning of line 17, strike "or restraint" and insert ", restraint, or a room clear"

On page 4, line 39, after "attempted" insert ", including any de-escalation attempts;

(v) Whether the student who was isolated, restrained, or caused the emergency that resulted in a room clear has either an individualized education program or behavioral intervention plan and, if so, whether the program or plan was followed"

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

On page 5, line 28, after "After" strike "every incident" and insert "incidents"

On page 5, line 29, after "limited," insert "and after incidents of room clears,"

On page 5, line 33, after "restraint" insert "or the return of students following a room clear"

On page 5, line 34, after "student" insert "who was isolated, restrained, or caused the emergency that resulted in a room clear"

On page 5, line 37, after "student" insert "who was isolated, restrained, or caused the emergency that resulted in a room clear"

On page 5, line 40, after "concern." insert "When the student has an individualized education program, the behavioral intervention plan must be developed and modified in accordance with the student's individualized education program."

On page 6, line 39, after "strategies" insert "and corresponding classroom management techniques"

Representatives Couture and Santos spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (348) to the striking amendment (308) was adopted.

Representatives Callan and Rude spoke in favor of the adoption of the striking amendment as amended.

The striking amendment (308), as amended, 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 Callan, Steele, Couture and Stonier spoke in favor of the passage of the bill.

Representative Rude 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. 1479.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1479, and the bill passed the House by the following vote: Yeas, 63; Nays, 31; Absent, 0; Excused, 4

Voting Yea: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Cheney, Chopp, Cortes, Couture, Davis, Doglio, Donaghy, Duerr, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Harris, Kloba, Leavitt, Lekanoff, Macri, Mena, Morgan, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Rule, Ryu, Sandlin, Santos, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Waters, Wylie and Mme. Speaker

Voting Nay: Representatives Abbarno, Barkis, Barnard, Caldier, Chambers, Chandler, Christian, Connors, Corry, Dent, Dye, Goehner, Graham, Griffey, Hutchins, Jacobsen, Klicker, Kretz, Low, Maycumber, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Schmick, Steele, Stokesbary, Walsh, Wilcox and Ybarra

Excused: Representatives Hansen, McClintock, Paul and Volz

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1479, having received the necessary constitutional majority, was declared passed.

There being no objection, the House adjourned until 10:30 a.m., Wednesday, March 8, 2023, the 59th Day of the 2023 Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

1004
Second Reading. 29
Third Reading Final Passage. 29
1019
Second Reading. 3
1019-S
Second Reading. 3
Amendment Offered. 3
Third Reading Final Passage. 4
1023
Second Reading. 37
Third Reading Final Passage. 37
1052
Second Reading. 3
Third Reading Final Passage. 3
1084
Second Reading. 27
1084-S
Second Reading. 27
Third Reading Final Passage. 27
1143
Second Reading. 38
1143-S2
Second Reading. 38
Amendment Offered. 38, 44, 45
Third Reading Final Passage. 46
1151
Second Reading. 27
1151-S2
Second Reading. 27
Third Reading Final Passage. 27
1168
Second Reading. 36
1168-S2
Second Reading. 36
Third Reading Final Passage. 36
1197
Second Reading. 3
Third Reading Final Passage. 3
1209
Second Reading. 4
Amendment Offered. 4
Third Reading Final Passage. 4
1275
Second Reading. 4
1275-S
Second Reading. 4
Third Reading Final Passage. 4
1278
Other Action. 48
1362
Second Reading. 27
1362-S
Second Reading. 28
Amendment Offered. 28
Third Reading Final Passage. 29
1363
Other Action. 1
1455
Second Reading. 36
Third Reading Final Passage. 36
1468
Other Action. 48
1479
Second Reading. 48
1479-S2
Second Reading. 48
Amendment Offered. 48, 55, 56
Third Reading Final Passage. 57
1503
Other Action. 48
1522
Other Action. 48
1534
Other Action. 48
1541
Second Reading. 2
1541-S2
Second Reading. 2
Amendment Offered. 2
Third Reading Final Passage. 3
1547
Second Reading. 47
1547-S
Second Reading. 47
Amendment Offered. 47
Third Reading Final Passage. 48
1568
Second Reading. 46
1568-S
Second Reading. 46
Amendment Offered. 46
Third Reading Final Passage. 46
1682
Second Reading. 37
1682-S
Second Reading. 37
Third Reading Final Passage. 37
1684
Second Reading. 29
Third Reading Final Passage. 29
1715
Second Reading. 5
1715-S2
Second Reading. 5
Amendment Offered. 5, 26
Third Reading Final Passage. 26
1764
Second Reading. 36
1764-S
Second Reading. 37
Third Reading Final Passage. 37
1779
Second Reading. 26
1779-S
Second Reading. 26
Third Reading Final Passage. 27
1789
Second Reading. 30
1789-S
Amendment Offered. 30, 35
Third Reading Final Passage. 35
1833
Second Reading. 36
1833-S
Second Reading. 36
Third Reading Final Passage. 36
1838
Other Action. 48
4622
Introduced. 1
Adopted. 1
5022
Messages. 38
5094-S
Messages. 38
5102-S
Messages. 1
5104
Messages. 38
5145-S
Messages. 5
5153
Messages. 38
5171-S
Messages. 38
5180
Messages. 38
5228
Messages. 38
5236-S2
Messages. 1

5263-S2
Messages. 38
5283
Messages. 38
5315-S2
Messages. 38
5316
Messages. 5
5425-S2
Messages. 38
5438-S2
Messages. 38
5460-S
Messages. 5
5536-S2
Introduction & 1st Reading. 29
5561-S
Messages. 38
5582-S2
Messages. 1
5589-S
Messages. 38
5592
Messages. 5
5629
Messages. 38
5649-S
Messages. 38
5650
Messages. 38
5683
Messages. 38
5714-S
Messages. 38
5725
Messages. 5