NINETY SIXTH DAY

House Chamber, Olympia, Friday, April 18, 2025

The House was called to order at 10:30 a.m. by the Speaker (Representative Stearns 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 Sahana Rattan and Gideon Hoffman. The Speaker (Representative Stearns presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Pastor Dave O'Connell, Cross Sound Church, Bainbridge Island.

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

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

MESSAGE FROM THE SENATE

Thursday, April 17, 2025

Mme. Speaker:

The Senate has passed:

SECOND SUBSTITUTE SENATE BILL NO. 5786

and the same is herewith transmitted.

Colleen Pehar, Deputy Secretary

MESSAGE FROM THE SENATE

Thursday, April 17, 2025

Mme. Speaker:

The Senate concurred in the House amendment(s) to the following bills and passed the bills as amended by the House:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5004
ENGROSSED SUBSTITUTE SENATE BILL NO. 5009
ENGROSSED SUBSTITUTE SENATE BILL NO. 5029
SENATE BILL NO. 5032
SUBSTITUTE SENATE BILL NO. 5033
SENATE BILL NO. 5036
SENATE BILL NO. 5077
SENATE BILL NO. 5079
SUBSTITUTE SENATE BILL NO. 5093
SENATE BILL NO. 5138
SUBSTITUTE SENATE BILL NO. 5139
ENGROSSED SUBSTITUTE SENATE BILL NO. 5142
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5148
SUBSTITUTE SENATE BILL NO. 5168
ENGROSSED SUBSTITUTE SENATE BILL NO. 5184
SENATE BILL NO. 5189
SUBSTITUTE SENATE BILL NO. 5212
ENGROSSED SUBSTITUTE SENATE BILL NO. 5303
SUBSTITUTE SENATE BILL NO. 5412
SUBSTITUTE SENATE BILL NO. 5528
ENGROSSED SENATE BILL NO. 5595

and the same are herewith transmitted.

Colleen Pehar, Deputy Secretary

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

INTRODUCTION & FIRST READING

HCR 4404 by Representatives Fitzgibbon and Corry

Returning bills to their house of origin.

HCR 4405 by Representatives Fitzgibbon and Corry

Adjourning SINE DIE.

There being no objection, HOUSE CONCURRENT RESOLUTION NO. 4404 and HOUSE CONCURRENT RESOLUTION NO. 4405 were placed on the third reading calendar.

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

THIRD READING

MESSAGE FROM THE SENATE

Wednesday, March 26, 2025

Mme. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1488, with the following amendment(s): 1488-S AMS FRAM S2432.1

On page 2, beginning on line 13, after "acre." strike all material through "~~dollars.~~))" on line 19 and insert "The maximum annual per parcel rate shall not exceed ((~~five dollars, except that for counties with a population of over four hundred eighty thousand persons, the maximum annual per parcel rate shall not exceed ten dollars, and for counties with a population of over one million five hundred thousand persons, the maximum annual per parcel rate shall not exceed fifteen dollars~~))$25."

On page 2, line 20, after "(b)" insert: "Beginning March 1, 2029, and by March 1st every third year thereafter, the department of revenue must adjust the maximum annual per parcel rates based on the consumer price index for all urban consumers, all items, for the Seattle metropolitan area for the prior 12-month period as calculated by the United States bureau of labor statistics or its successor agency. The adjusted maximum annual per parcel rates must be rounded to the nearest $1. If the adjustment to the maximum annual per parcel rate is negative, the maximum annual per parcel rate for the prior year continues to apply. The department of revenue must publish the

adjusted maximum annual per parcel rates on its public website by March 31st. For purposes of this subsection (3)(b), "Seattle metropolitan area" means the geographic area sample that includes Seattle and surrounding areas.

(c)"

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

and the same is herewith transmitted.

Colleen Pehar, Deputy Secretary

MOTION

Representative Berg moved that the House concur with the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 1488.

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

Representative Orcutt spoke against the passage of the bill.

MOTIONS

On motion of Representative Ramel, Representative Ryu was excused.

On motion of Representative Griffey, Representative Mendoza was excused.

Division was demanded and the demand was sustained. The Speaker (Representative Stearns presiding) divided the House. The result was 52 - YEAS; 39 - NAYS.

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1488 and advanced the bill, as amended by the Senate, to final passage.

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

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

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Stearns presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1488, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1488, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 53; Nays, 43; Absent, 0; Excused, 2

Voting Yea: Representatives Berg, Bergquist, Bernbaum, Berry, Bronoske, Callan, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Hill, Hunt, Kloba, Lekanoff, Low, Macri, Mena, Morgan, Nance, Obras, Ormsby, Ortiz-Self, Parshley, Peterson, Pollet, Ramel, Reed, Reeves, Salahuddin, Santos, Scott, Simmons, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Thomas, Walen, Wylie, Zahn and Mme. Speaker

Voting Nay: Representatives Abbarno, Abell, Barkis, Barnard, Burnett, Caldier, Chase, Connors, Corry, Couture, Dent, Dufault, Dye, Engell, Eslick, Graham, Griffey, Jacobsen, Keaton, Klicker, Leavitt, Ley, Manjarrez, Marshall, McClintock, McEntire, Orcutt, Paul, Penner, Richards, Rude, Rule, Schmick, Schmidt, Shavers, Steele, Stokesbary, Stuebe, Timmons, Volz, Walsh, Waters and Ybarra

Excused: Representatives Mendoza and Ryu

SUBSTITUTE HOUSE BILL NO. 1488, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

Thursday, April 3, 2025

Mme. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 1052, with the following amendment(s): 1052.E AMS LAW S2290.1

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 9A.36.080 and 2024 c 34 s 1 are each amended to read as follows:

(1) A person is guilty of a hate crime offense if the person maliciously and intentionally commits one of the following acts in whole or in part because of their perception of another person's race, color, religion, ancestry, national origin, gender, sexual orientation, gender expression or identity, or mental, physical, or sensory disability:

(a) Assaults another person;

(b) Causes physical damage to or destruction of the property of another; or

(c) Threatens a specific person or group of persons and places that person, or members of the specific group of persons, in reasonable fear of harm to person or property. The fear must be a fear that a reasonable person would have under all the circumstances. For purposes of this section, a "reasonable person" is a reasonable person who is a member of the victim's race, color, religion, ancestry, national origin, gender, or sexual orientation, or who has the same gender expression or identity, or the same mental, physical, or sensory disability as the victim. Words alone do not constitute a hate crime offense unless the context or circumstances surrounding the words indicate the words are a threat. Threatening words do not constitute a hate crime offense if it is apparent to the victim that the person does not have the ability to carry out the threat.

(2) In any prosecution for a hate crime offense, unless evidence exists which explains to the trier of fact's satisfaction that the person did not intend to threaten the victim or victims, the trier of fact may infer that the person intended to threaten a specific victim or group of victims because of the person's perception of the victim's or victims' race, color, religion, ancestry, national origin, gender, sexual orientation, gender expression or identity, or mental, physical, or sensory disability if the person commits one of the following acts:

(a) Burns a cross on property of a victim who is or whom the actor perceives to be of African American heritage;

(b) Defaces property of a victim who is or whom the actor perceives to be of Jewish heritage by defacing the property with a Nazi emblem, symbol, or hakenkreuz;

(c) Defaces religious real property with words, symbols, or items that are derogatory

to persons of the faith associated with the property;

(d) Places a vandalized or defaced religious item or scripture on the property of a victim who is or whom the actor perceives to be of the faith with which that item or scripture is associated;

(e) Damages, destroys, or defaces religious garb or other faith-based attire belonging to the victim or attempts to or successfully removes religious garb or other faith-based attire from the victim's person without the victim's authorization; or

(f) Places a noose on the property of a victim who is or whom the actor perceives to be of a racial or ethnic minority group.

This subsection only applies to the creation of a reasonable inference for evidentiary purposes. This subsection does not restrict the state's ability to prosecute a person under subsection (1) of this section when the facts of a particular case do not fall within (a) through (f) of this subsection.

(3) It is not a defense that the accused was mistaken that the victim was a member of a certain race, color, religion, ancestry, national origin, gender, or sexual orientation, had a particular gender expression or identity, or had a mental, physical, or sensory disability.

(4) Evidence of expressions or associations of the accused may not be introduced as substantive evidence at trial unless the evidence specifically relates to the crime charged. Nothing in this chapter shall affect the rules of evidence governing impeachment of a witness.

(5) Every person who commits another crime during the commission of a crime under this section may be punished and prosecuted for the other crime separately.

(6) For the purposes of this section:

(a) "Gender expression or identity" means having or being perceived as having a gender identity, self-image, appearance, behavior, or expression, whether or not that gender identity, self-image, appearance, behavior, or expression is different from that traditionally associated with the sex assigned to that person at birth.

(b) "Sexual orientation" means heterosexuality, homosexuality, or bisexuality.

(c) "Threat" means to communicate, directly or indirectly, the intent to:

(i) Cause bodily injury immediately or in the future to the person threatened or to any other person; or

(ii) Cause physical damage immediately or in the future to the property of a person threatened or that of any other person.

(7) Commission of a hate crime offense is a class C felony.

(8) The penalties provided in this section for hate crime offenses do not preclude the victims from seeking any other remedies otherwise available under law.

(9) Nothing in this section confers or expands any civil rights or protections to any group or class identified under this section, beyond those rights or protections that exist under the federal or state Constitution or the civil laws of the state of Washington."

On page 1, line 1 of the title, after "offense;" strike the remainder of the title and insert "and amending RCW 9A.36.080."

and the same is herewith transmitted.

Colleen Pehar, Deputy Secretary

MOTION

Representative Goodman moved that the House concur with the Senate amendment(s) to ENGROSSED HOUSE BILL NO. 1052.

Representatives Goodman and Ryu spoke in favor of the passage of the bill.

Representative Graham spoke against the passage of the bill.

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED HOUSE BILL NO. 1052 and advanced the bill, as amended by the Senate, to final passage.

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

Representatives Walsh, Abell and Jacobsen spoke against the passage of the bill.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Stearns presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1052, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1052, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 59; Nays, 38; Absent, 0; Excused, 1

Voting Yea: Representatives Berg, Bergquist, Bernbaum, Berry, Bronoske, Callan, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Hill, Hunt, Kloba, Leavitt, Lekanoff, Macri, Mena, Morgan, Nance, Obras, Ormsby, Ortiz-Self, Parshley, Paul, Peterson, Pollet, Ramel, Reed, Reeves, Richards, Rule, Ryu, Salahuddin, Santos, Scott, Shavers, Simmons, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Thomas, Timmons, Walen, Wylie, Zahn and Mme. Speaker

Voting Nay: Representatives Abbarno, Abell, Barkis, Barnard, Burnett, Caldier, Chase, Connors, Corry, Couture, Dent, Dufault, Dye, Engell, Eslick, Graham, Griffey, Jacobsen, Keaton, Klicker, Ley, Low, Manjarrez, Marshall, McClintock, McEntire, Orcutt, Penner, Rude, Schmick, Schmidt, Steele, Stokesbary, Stuebe, Volz, Walsh, Waters and Ybarra

Excused: Representative Mendoza

ENGROSSED HOUSE BILL NO. 1052, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

Monday, April 14, 2025

Mme. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1395, with the following amendment(s): 1395-S.E AMS HLTC S2373.3

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 43.20A.715 and 2023 c 470 s 3014 are each amended to read as follows:

(1) Where the department is required to screen a long-term care worker, contracted provider, or licensee through a background check to determine whether the person has a history that would disqualify the person from having unsupervised access to, working with, or providing supervision, care, or treatment to vulnerable adults or children, the department may not automatically disqualify a person on the basis of a criminal record that includes a conviction of any of the following crimes once the specified amount of time has passed for the particular crime:

(a) Selling cannabis to a person under RCW 69.50.401 after three years or more have passed between the most recent conviction and the date the background check is processed;

(b) Theft in the first degree under RCW 9A.56.030 after 10 years or more have passed between the most recent conviction and the date the background check is processed;

(c) Robbery in the second degree under RCW 9A.56.210 after five years or more have passed between the most recent conviction and the date the background check is processed;

(d) Extortion in the second degree under RCW 9A.56.130 after five years or more have passed between the most recent conviction and the date the background check is processed;

(e) Assault in the second degree under RCW 9A.36.021 after five years or more have passed between the most recent conviction and the date the background check is processed; and

(f) Assault in the third degree under RCW 9A.36.031 after five years or more have passed between the most recent conviction and the date the background check is processed.

(2) The provisions of subsection (1) of this section do not apply where the department is performing background checks for the department of children, youth, and families.

(3) The provisions of subsection (1) of this section do not apply to department employees or applicants for department positions except for positions in the state-operated community residential program.

(4) Notwithstanding subsection (1) of this section, a long-term care worker, contracted provider, or licensee may not provide, or be paid to provide, care to children or vulnerable adults under the medicare or medicaid programs if the worker is excluded from participating in those programs by federal law.

(5) The department((~~, a contracted provider, or a licensee~~))or an authorized entity, when conducting a character, competence, and suitability review for the purpose of hiring, licensing, certifying, contracting with, permitting, or continuing to permit a person to be employed in any position caring for or having unsupervised access to vulnerable adults or children, may, in its sole discretion, determine whether to consider any of the convictions identified in subsection (1) of this section. If the department or a consumer directed employer as defined in RCW 74.39A.009 determines that an individual with any of the convictions identified in subsection (1) of this section is qualified to provide services to a department client as an individual provider as defined in RCW 74.39A.240, the department or the consumer directed employer must provide the client, and their guardian if any, with the results of the state background check for their determination of character, suitability, and competence of the individual before the individual begins providing services. The department((~~, a contracted provider, or a licensee~~))or an authorized entity, when conducting a character, competence, and suitability review for the purpose of hiring, licensing, certifying, contracting with, permitting, or continuing to permit a person to be employed in any position caring for or having unsupervised access to vulnerable adults or children, has a rebuttable presumption that its exercise of discretion under this section or the refusal to exercise such discretion was appropriate. This subsection does not create a duty for the department to conduct a character, competence, and suitability review.

(6)(a) An employer or an authorized entity shall not conduct a character, competence, and suitability review for individual providers and home care agency providers, based on a name and date of birth or fingerprint-based background check result, when:

(i) The employer or authorized entity has already conducted a character, competence, and suitability review for the individual provider or home care agency provider for a previously reviewed nonautomatically disqualifying conviction, pending charge, or negative action found during a previous background check, for which the employer or authorized entity has previously conducted a character, competence, and suitability review; or

(ii) It is known to the employer or authorized entity that more than 10 years have passed since the last nonautomatically disqualifying conviction or negative action against the individual provider or home care agency provider.

(b) The department shall develop rules to establish standards for conducting character, competence, and suitability reviews under this subsection (6), including parameters to prioritize the safety of vulnerable adults and minors, clients' rights regarding individual and home care agency providers' background check results and character, competence, and suitability reviews, and an equitable review process for individual providers and home care agency providers.

(7)(a) Individual providers and home care agency providers subject to and awaiting a character, competence, and suitability review may work for up to 30 days before the character, competence, and suitability review is completed, provided that their background check did not include any automatically disqualifying conviction, crime, negative action, or pending charge, and the employer has not completed the character, competence, and suitability review and determined the home care agency

provider or individual provider unable to work.

(b)(i) Prior to the provision of any care services by an individual provider or home care agency provider during the 30-day temporary practice period established in (a) of this subsection, the parent or guardian of the minor, the vulnerable adult, or the guardian of the vulnerable adult must be:

(A) Notified in writing that the character, competence, and suitability review for the individual provider or home care agency provider has not been completed; and

(B) Provided with an opportunity to decline the receipt of care services from the individual provider or home care agency provider and an explanation of the procedure for declining the receipt of care.

(ii) The notice requirement of this subsection does not apply to any home care agency provider that has been employed by the same employer since the previous name and date of birth background check or fingerprint-based background check was conducted.

(8) For the purposes of the section:

(a) "Authorized entity" means a service provider, licensee, contractor, or other public or private agency that:

(i) Is required to conduct background checks; and

(ii) Is authorized to conduct background checks through the department's background check central unit.

(b) "Character, competence, and suitability review" means a review process that the employer or an authorized entity uses to decide whether a person has the character, competence, and suitability to work in a position that may have unsupervised access to minors or vulnerable adults.

(c) "Contracted provider" means a provider, and its employees, contracted with the department or an area agency on aging to provide services to department clients under programs under chapter 74.09, 74.39, 74.39A, or 71A.12 RCW. "Contracted provider" includes area agencies on aging and their subcontractors who provide case management.

((~~(b)~~))(d) "Fingerprint-based background check" means a search of in-state criminal history records through the Washington state patrol and national criminal history records through the federal bureau of investigation.

(e) "Home care agency provider" means a long-term care worker paid by a home care agency, as described in RCW 43.20A.710(1)(b).

(f) "Individual provider" has the same meaning as in RCW 74.39A.240.

(g) "Licensee" means a nonstate facility or setting that is licensed or certified, or has applied to be licensed or certified, by the department and includes the licensee and its employees.

(h) "Managing employer" has the same meaning as in RCW 74.39A.009.

(i) "Name and date of birth background check" means a search of Washington state criminal history and negative action records using the applicant's name and date of birth conducted by the department's background check central unit.

(j) "Nonautomatically disqualifying" means, when used in reference to a conviction, pending charge, or negative action, that the conviction, pending charge, or negative action is one other than a permanently disqualifying conviction, permanently disqualifying negative action, or a time-limited permanently disqualifying conviction or negative action after the defined amount of time has passed, as described in RCW 43.43.842 and 43.20A.710(5), and related department rules.

Sec. 2. RCW 74.39A.056 and 2023 c 223 s 4 are each amended to read as follows:

(1)(a) All long-term care workers shall be screened through state and federal background checks in a uniform and timely manner to verify that they do not have a history that would disqualify them from working with vulnerable persons. The department must process background checks for long-term care workers and, based on this screening, inform employers, prospective employers, and others as authorized by law, whether screened applicants are ineligible for employment.

(b)(i) For long-term care workers hired on or after January 7, 2012, the background checks required under this section shall include checking against the federal bureau of investigation fingerprint identification records system or its successor program. The department shall require these long-term care workers to submit fingerprints for the purpose of investigating conviction records through both the Washington state patrol and the federal bureau of investigation. The department shall not pass on the cost of these criminal background checks to the workers or their employers.

(ii) A long-term care worker who is not disqualified by the state background check can work and have unsupervised access pending the results of the federal bureau of investigation fingerprint background check as allowed by rules adopted by the department.

(c)(i) Individual providers and home care agency providers must complete a fingerprint-based background check required in this section, RCW 43.20A.710, and 43.43.837 only:

(A) At the point of initial hire;

(B) As required by federal law;

(C) Before an individual provider starts providing new services for a new managing employer when the last fingerprint on the authorized entity's file for the individual provider is five years old or more and the new managing employer requests a fingerprint-based background check; and

(D) If there is a reasonable, good faith belief the employer or authorized entity needs to conduct a fingerprint-based background check, due to potential new findings in a fingerprint-based background check, as documented in writing by the employer.

(ii) Individual providers and home care agency providers may not be required to complete a fingerprint-based background check at the point of initial hire as required in this subsection if the individual provider or home care agency

provider has been previously employed by the same employer and has not lived outside of Washington after the last fingerprint-based background check.

(2) A provider may not be employed in the care of and have unsupervised access to vulnerable adults if:

(a) The provider is on the vulnerable adult abuse registry or on any other registry based upon a finding of abuse, abandonment, neglect, or financial exploitation of a vulnerable adult;

(b) On or after October 1, 1998, the department of children, youth, and families, or its predecessor agency, has made a founded finding of abuse or neglect of a child against the provider. If the provider has received a certificate of parental improvement under chapter 74.13 RCW pertaining to the finding, the provider is not disqualified under this section;

(c) A disciplining authority, including the department of health, has made a finding of abuse, abandonment, neglect, or financial exploitation of a minor or a vulnerable adult against the provider; or

(d) A court has issued an order that includes a finding of fact or conclusion of law that the provider has committed abuse, abandonment, neglect, or financial exploitation of a minor or vulnerable adult. If the provider has received a certificate of parental improvement under chapter 74.13 RCW pertaining to the finding of fact or conclusion of law, the provider is not disqualified under this section.

(3)(a) A client who has elected to receive services from an individual provider must be notified of the results of a background check and of the client's right to request a copy of the background check's results under (b) of this subsection.

(b) When a background check produces a review required result, as defined in RCW 43.20A.715, the authorized entity must provide the client who is the managing employer of the individual provider with a copy of the background check results and the Washington state record of arrests and prosecutions, if requested by the client. The individual provider may choose to provide a copy of the federal bureau of investigation record of arrests and prosecutions to the client.

(4) The department shall establish, by rule, a state registry which contains identifying information about long-term care workers identified under this chapter who have final substantiated findings of abuse, neglect, financial exploitation, or abandonment of a vulnerable adult as defined in RCW 74.34.020. The rule must include disclosure, disposition of findings, notification, findings of fact, appeal rights, and fair hearing requirements. The department shall disclose, upon request, final substantiated findings of abuse, neglect, financial exploitation, or abandonment to any person so requesting this information. This information must also be shared with the department of health to advance the purposes of chapter 18.88B RCW.

((~~(4)~~))(5) For the purposes of this section((~~, "provider" means~~)):

(a) "Authorized entity" means a service provider, licensee, contractor, or other public or private agency that:

(i) Is required to conduct background checks; and

(ii) Is authorized to conduct background checks through the department's background check central unit.

(b) "Fingerprint-based background check" means a search of in-state criminal history records through the Washington state patrol and national criminal history records through the federal bureau of investigation.

(c) "Home care agency provider" means a long-term care worker paid by a home care agency, as described in RCW 43.20A.710(1)(b).

(d) "Managing employer" has the same meaning as in RCW 74.39A.009.

(e) "Provider" means:

(i) An individual provider ((~~as defined in RCW 74.39A.240~~));

((~~(b)~~))(ii) An employee, licensee, or contractor of any of the following: A home care agency licensed under chapter 70.127 RCW; a nursing home under chapter 18.51 RCW; an assisted living facility under chapter 18.20 RCW; an enhanced services facility under chapter 70.97 RCW; a certified resident services and supports agency licensed or certified under chapter 71A.12 RCW; an adult family home under chapter 70.128 RCW; or any long-term care facility certified to provide medicaid or medicare services; and

((~~(c)~~))(iii) Any contractor of the department who may have unsupervised access to vulnerable adults.

((~~(5)~~))(f) "Review required result" means the result of a name and date of birth background check or fingerprint-based background check for an individual provider or a home care agency provider that requires the employer or an authorized entity to determine if a character, competence, and suitability review is necessary, and related implementing rules adopted by the department.

(6) The department shall adopt rules to implement this section."

On page 1, line 2 of the title, after "process;" strike the remainder of the title and insert "and amending RCW 43.20A.715 and 74.39A.056."

and the same is herewith transmitted.

Colleen Pehar, Deputy Secretary

MOTION

Representative Farivar moved that the House concur with the Senate amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1395.

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

Representative Ybarra spoke against the passage of the bill.

Division was demanded and the demand was sustained. The Speaker (Representative Stearns presiding) divided the House. The result was 51 - YEAS; 38 - NAYS.

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1395 and advanced the bill, as amended by the Senate, to final passage.

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

Representative Ybarra spoke against the passage of the bill.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Stearns presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1395, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1395, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 59; Nays, 38; Absent, 0; Excused, 1

Voting Yea: Representatives Barnard, Berg, Bergquist, Bernbaum, Berry, Bronoske, Callan, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Hill, Hunt, Kloba, Lekanoff, Macri, Mena, Morgan, Nance, Obras, Ormsby, Ortiz-Self, Parshley, Paul, Peterson, Pollet, Ramel, Reed, Reeves, Richards, Rule, Ryu, Salahuddin, Santos, Scott, Shavers, Simmons, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Thomas, Timmons, Walen, Wylie, Zahn and Mme. Speaker

Voting Nay: Representatives Abbarno, Abell, Barkis, Burnett, Caldier, Chase, Connors, Corry, Couture, Dent, Dufault, Dye, Engell, Eslick, Graham, Griffey, Jacobsen, Keaton, Klicker, Leavitt, Ley, Low, Manjarrez, Marshall, McClintock, McEntire, Orcutt, Penner, Rude, Schmick, Schmidt, Steele, Stokesbary, Stuebe, Volz, Walsh, Waters and Ybarra

Excused: Representative Mendoza

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1395, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

Wednesday, April 2, 2025

Mme. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1620, with the following amendment(s): 1620-S.E AMS ENGR S2353.E

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 26.09.191 and 2021 c 215 s 134 are each amended to read as follows:

(1) ((~~The permanent parenting plan shall not require mutual decision-making or designation of a dispute resolution process other than court action~~))PURPOSE. Parents are responsible for protecting and preserving the health and well-being of their minor children. When a parent acts contrary to the health and well-being of the parent's child, or engages in conduct that creates an unreasonable risk of harm to a child, the court may, and in some situations must, impose limitations intended to protect the child from harm as described in this section and section 2 of this act.

(2) GENERAL CONSIDERATIONS.

(a) In entering a permanent parenting plan, the court shall not draw any presumptions from the provisions of the temporary parenting plan.

(b) The weight given to the existence of a protection order issued under chapter 7.105 RCW or former chapter 26.50 RCW as to domestic violence is within the discretion of the court.

(c) In determining whether any of the conduct described in this section or section 2 of this act has occurred, the court shall apply the rules of evidence and civil procedure except where the parties have opted for an informal family law trial pursuant to state or local court rules.

(3) DEFINITIONS. The definitions in this subsection apply throughout this section and section 2 of this act unless the context clearly requires otherwise.

(a) "Abusive use of conflict" refers to a party engaging in ongoing and deliberate actions to misuse conflict. This includes, but is not limited to: (i) Repeated bad faith violations of court orders regarding the child or the protection of the child or other parent; (ii) credible threats of physical, emotional, or financial harm to the other parent or to family, friends, or professionals providing support to the child or other parent; (iii) intentional use of the child in conflict; or (iv) abusive litigation as defined in RCW 26.51.020. Litigation that is aggressive or improper but does not meet the definition of abusive litigation shall not constitute a basis for finding abusive use of conflict under this section. Protective actions as defined in this section shall not constitute a basis for a finding of abusive use of conflict.

(b) "Child" shall also mean "children."

(c) "Knowingly" means knows or reasonably should know.

(d) "Parenting functions" has the same meaning as in RCW 26.09.004.

(e) "Protective actions" are actions taken by a parent in good faith for the purpose of protecting themselves or the parent's child from the risk of harm posed by the other parent. "Protective actions" can include, but are not limited to: (i) Reports or complaints regarding physical, sexual, or mental abuse of a child or child neglect to an individual or entity connected to the provision of care or safety of the child such as law enforcement, medical professionals, therapists, schools, day cares, or child protective services; (ii) seeking court orders changing residential time; or (iii) petitions for protection or restraining orders.

(f) "Sex offense against a child" means any of the following offenses involving a child victim: (i) Any sex offense as defined in RCW 9.94A.030; (ii) any offense with a finding of sexual motivation; (iii) any offense in violation of chapter 9A.44 RCW other than RCW 9A.44.132; (iv) any offense involving the sexual abuse of a minor, including any offense under chapter 9.68A RCW; or (v) any federal or out-of-state offense comparable to any offense under (f)(i) through (iv) of this subsection.

(g) "Social worker" means a person with a master's degree or further advanced degree from a social work educational program

accredited and approved as provided in RCW 18.320.010.

(h) "Willful abandonment" has occurred when the child's parent has expressed, either by statement or conduct, an intent to forego, for an extended period, parental rights or responsibilities despite an ability to exercise such rights and responsibilities. "Willful abandonment" does not include a parent who has been unable to see the child due to circumstances that include, but are not limited to: Incarceration, deportation, inpatient treatment, medical emergency, fleeing to an emergency shelter or domestic violence shelter, or withholding of the child by the other parent.

(4) RESIDENTIAL TIME LIMITATIONS.

(a) PARENTAL CONDUCT REQUIRING LIMITS ON A PARENT'S RESIDENTIAL TIME. A parent's residential time with the parent's child shall be limited if it is found that a parent has engaged in any of the following conduct:

((~~(a)~~)) (i) Willful abandonment that continues for an extended period of time ((~~or substantial refusal to perform parenting functions;~~

~~(b) physical, sexual,~~));

(ii) Physical abuse or a pattern of emotional abuse of a child;

((~~or (c) a~~)) (iii) A history of acts of domestic violence as defined in RCW 7.105.010 ((~~or~~)), an assault ((~~or sexual assault~~)) that causes grievous bodily harm or the fear of such harm ((~~or that results in a pregnancy.~~

~~(2)(a) The~~)), or any sexual assault; or

(iv) Sexual abuse of a child. Required limitations and considerations for a parent who has been convicted of a sex offense against a child or found to have sexually abused a child in the current case or a prior case are addressed in section 2 of this act.

(b) PARENT RESIDING WITH A PERSON WHOSE CONDUCT REQUIRES RESIDENTIAL TIME LIMITATIONS. A parent's residential time with the child shall be limited if it is found that the parent knowingly resides with a person who has engaged in any of the following conduct: ((~~(i) Willful abandonment that continues for an extended period of time or substantial refusal to perform parenting functions; (ii) physical, sexual,~~))

(i) Physical abuse or a pattern of emotional abuse of a child;

((~~(iii) a~~)) (ii) A history of acts of domestic violence as defined in RCW 7.105.010 ((~~or~~)), an assault ((~~or sexual assault~~)) that causes grievous bodily harm or the fear of such harm ((~~or that results in a pregnancy; or (iv) the parent has been convicted as an adult of a sex offense under:~~

~~(A) RCW 9A.44.076 if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (d) of this subsection;~~

~~(B) RCW 9A.44.079 if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (d) of this subsection;~~

~~(C) RCW 9A.44.086 if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (d) of this subsection;~~

~~(D) RCW 9A.44.089;~~

~~(E) RCW 9A.44.093;~~

~~(F) RCW 9A.44.096;~~

~~(G) RCW 9A.64.020 (1) or (2) if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (d) of this subsection;~~

~~(H) Chapter 9.68A RCW;~~

~~(I) Any predecessor or antecedent statute for the offenses listed in (a)(iv)(A) through (H) of this subsection;~~

~~(J) Any statute from any other jurisdiction that describes an offense analogous to the offenses listed in (a)(iv)(A) through (H) of this subsection.~~

~~This subsection (2)(a) shall not apply when (c) or (d) of this subsection applies.~~

~~(b) The parent's residential time with the child shall be limited if it is found that the parent resides with a person who has engaged in any of the following conduct: (i) Physical, sexual, or a pattern of emotional abuse of a child; (ii) a history of acts of domestic violence as defined in RCW 7.105.010 or an assault or sexual assault that causes grievous bodily harm or the fear of such harm or that results in a pregnancy; or (iii) the person has been convicted as an adult or as a juvenile has been adjudicated of a sex offense under:~~

~~(A) RCW 9A.44.076 if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (c) of this subsection;~~

~~(B) RCW 9A.44.079 if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (c) of this subsection;~~

~~(C) RCW 9A.44.086 if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (c) of this subsection;~~

~~(D) RCW 9A.44.089;~~

~~(E) RCW 9A.44.093;~~

~~(F) RCW 9A.44.096;~~

~~(G) RCW 9A.64.020 (1) or (2) if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (c) of this subsection;~~

~~(H) Chapter 9.68A RCW;~~

~~(I) Any predecessor or antecedent statute for the offenses listed in (b)(iii)(A) through (H) of this subsection;~~

~~(J) Any statute from any other jurisdiction that describes an offense analogous to the offenses listed in (b)(iii)(A) through (H) of this subsection.~~

~~This subsection (2)(b) shall not apply when (c) or (c) of this subsection applies.~~

~~(c) If a parent has been found to be a sexual predator under chapter 71.09 RCW or under an analogous statute of any other jurisdiction, the court shall restrain the parent from contact with a child that would otherwise be allowed under this chapter. If a parent resides with an adult or a juvenile who has been found to be a sexual predator under chapter 71.09 RCW or under an analogous statute of any other jurisdiction, the court shall restrain the parent from contact with the parent's child except

~~contact that occurs outside that person's presence.~~

~~(d) There is a rebuttable presumption that a parent who has been convicted as an adult of a sex offense listed in (d)(i) through (ix) of this subsection poses a present danger to a child. Unless the parent rebuts this presumption, the court shall restrain the parent from contact with a child that would otherwise be allowed under this chapter:~~

~~(i) RCW 9A.64.020 (1) or (2), provided that the person convicted was at least five years older than the other person;~~

~~(ii) RCW 9A.44.073;~~

~~(iii) RCW 9A.44.076, provided that the person convicted was at least eight years older than the victim;~~

~~(iv) RCW 9A.44.079, provided that the person convicted was at least eight years older than the victim;~~

~~(v) RCW 9A.44.083;~~

~~(vi) RCW 9A.44.086, provided that the person convicted was at least eight years older than the victim;~~

~~(vii) RCW 9A.44.100;~~

~~(viii) Any predecessor or antecedent statute for the offenses listed in (d)(i) through (vii) of this subsection;~~

~~(ix) Any statute from any other jurisdiction that describes an offense analogous to the offenses listed in (d)(i) through (vii) of this subsection.~~

~~(e) There is a rebuttable presumption that a parent who resides with a person who, as an adult, has been convicted, or as a juvenile has been adjudicated, of the sex offenses listed in (e)(i) through (ix) of this subsection places a child at risk of abuse or harm when that parent exercises residential time in the presence of the convicted or adjudicated person. Unless the parent rebuts the presumption, the court shall restrain the parent from contact with the parent's child except for contact that occurs outside of the convicted or adjudicated person's presence:~~

~~(i) RCW 9A.64.020 (1) or (2), provided that the person convicted was at least five years older than the other person;~~

~~(ii) RCW 9A.44.073;~~

~~(iii) RCW 9A.44.076, provided that the person convicted was at least eight years older than the victim;~~

~~(iv) RCW 9A.44.079, provided that the person convicted was at least eight years older than the victim;~~

~~(v) RCW 9A.44.083;~~

~~(vi) RCW 9A.44.086, provided that the person convicted was at least eight years older than the victim;~~

~~(vii) RCW 9A.44.100;~~

~~(viii) Any predecessor or antecedent statute for the offenses listed in (e)(i) through (vii) of this subsection;~~

~~(ix) Any statute from any other jurisdiction that describes an offense analogous to the offenses listed in (e)(i) through (vii) of this subsection.~~

~~(f) The presumption established in (d) of this subsection may be rebutted only after a written finding that the child was not conceived and subsequently born as a result of a sexual assault committed by the parent requesting residential time and that:~~

~~(i) If the child was not the victim of the sex offense committed by the parent requesting residential time, (A) contact between the child and the offending parent is appropriate and poses minimal risk to the child, and (B) the offending parent has successfully engaged in treatment for sex offenders or is engaged in and making progress in such treatment, if any was ordered by a court, and the treatment provider believes such contact is appropriate and poses minimal risk to the child; or~~

~~(ii) If the child was the victim of the sex offense committed by the parent requesting residential time, (A) contact between the child and the offending parent is appropriate and poses minimal risk to the child, (B) if the child is in or has been in therapy for victims of sexual abuse, the child's counselor believes such contact between the child and the offending parent is in the child's best interest, and (C) the offending parent has successfully engaged in treatment for sex offenders or is engaged in and making progress in such treatment, if any was ordered by a court, and the treatment provider believes such contact is appropriate and poses minimal risk to the child.~~

~~(g) The presumption established in (e) of this subsection may be rebutted only after a written finding that the child was not conceived and subsequently born as a result of a sexual assault committed by the parent requesting residential time and that:~~

~~(i) If the child was not the victim of the sex offense committed by the person who is residing with the parent requesting residential time, (A) contact between the child and the parent residing with the convicted or adjudicated person is appropriate and that parent is able to protect the child in the presence of the convicted or adjudicated person, and (B) the convicted or adjudicated person has successfully engaged in treatment for sex offenders or is engaged in and making progress in such treatment, if any was ordered by a court, and the treatment provider believes such contact is appropriate and poses minimal risk to the child; or~~

~~(ii) If the child was the victim of the sex offense committed by the person who is residing with the parent requesting residential time, (A) contact between the child and the parent in the presence of the convicted or adjudicated person is appropriate and poses minimal risk to the child, (B) if the child is in or has been in therapy for victims of sexual abuse, the child's counselor believes such contact between the child and the parent residing with the convicted or adjudicated person in the presence of the convicted or adjudicated person is in the child's best interest, and (C) the convicted or adjudicated person has successfully engaged in treatment for sex offenders or is engaged in and making progress in such treatment, if any was ordered by a court, and the treatment provider believes contact between the parent and child in the presence of the convicted or adjudicated person is appropriate and poses minimal risk to the child.~~

~~(h) If the court finds that the parent has met the burden of rebutting the presumption under (f) of this subsection, the court may allow a parent who has been convicted as an adult of a sex offense listed in (d)(i) through (ix) of this subsection to have residential time with the child supervised by a neutral and independent adult and pursuant to an adequate plan for supervision of such residential time. The court shall not approve of a supervisor for contact between the child and the parent unless the court finds, based on the evidence, that the supervisor is willing and capable of protecting the child from harm. The court shall revoke court approval of the supervisor upon finding, based on the evidence, that the supervisor has failed to protect the child or is no longer willing or capable of protecting the child.~~

~~(i) If the court finds that the parent has met the burden of rebutting the presumption under (g) of this subsection, the court may allow a parent residing with a person who has been adjudicated as a juvenile of a sex offense listed in (c)(i) through (ix) of this subsection to have residential time with the child in the presence of the person adjudicated as a juvenile, supervised by a neutral and independent adult and pursuant to an adequate plan for supervision of such residential time. The court shall not approve of a supervisor for contact between the child and the parent unless the court finds, based on the evidence, that the supervisor is willing and capable of protecting the child from harm. The court shall revoke court approval of the supervisor upon finding, based on the evidence, that the supervisor has failed to protect the child or is no longer willing or capable of protecting the child.~~

~~(j) If the court finds that the parent has met the burden of rebutting the presumption under (g) of this subsection, the court may allow a parent residing with a person who, as an adult, has been convicted of a sex offense listed in (c)(i) through (ix) of this subsection to have residential time with the child in the presence of the convicted person supervised by a neutral and independent adult and pursuant to an adequate plan for supervision of such residential time. The court shall not approve of a supervisor for contact between the child and the parent unless the court finds, based on the evidence, that the supervisor is willing and capable of protecting the child from harm. The court shall revoke court approval of the supervisor upon finding, based on the evidence, that the supervisor has failed to protect the child or is no longer willing or capable of protecting the child.~~

~~(k) A court shall not order unsupervised contact between the offending parent and a child of the offending parent who was sexually abused by that parent. A court may order unsupervised contact between the offending parent and a child who was not sexually abused by the parent after the presumption under (d) of this subsection has been rebutted and supervised residential time has occurred for at least two years with no further arrests or convictions of sex offenses involving children under chapter 9A.44 RCW, RCW 9A.64.020, or chapter 9.68A RCW and (i) the sex offense of the offending parent was not committed against a child of the offending parent, and (ii) the court finds that unsupervised contact between the child and the offending parent is appropriate and poses minimal risk to the child, after consideration of the testimony of a state-certified therapist, mental health counselor, or social worker with expertise in treating child sexual abuse victims who has supervised at least one period of residential time between the parent and the child, and after consideration of evidence of the offending parent's compliance with community supervision requirements, if any. If the offending parent was not ordered by a court to participate in treatment for sex offenders, then the parent shall obtain a psychosexual evaluation conducted by a certified sex offender treatment provider or a certified affiliate sex offender treatment provider indicating that the offender has the lowest likelihood of risk to reoffend before the court grants unsupervised contact between the parent and a child.~~

~~(l) A court may order unsupervised contact between the parent and a child which may occur in the presence of a juvenile adjudicated of a sex offense listed in (c)(i) through (ix) of this subsection who resides with the parent after the presumption under (c) of this subsection has been rebutted and supervised residential time has occurred for at least two years during which time the adjudicated juvenile has had no further arrests, adjudications, or convictions of sex offenses involving children under chapter 9A.44 RCW, RCW 9A.64.020, or chapter 9.68A RCW, and (i) the court finds that unsupervised contact between the child and the parent that may occur in the presence of the adjudicated juvenile is appropriate and poses minimal risk to the child, after consideration of the testimony of a state-certified therapist, mental health counselor, or social worker with expertise in treatment of child sexual abuse victims who has supervised at least one period of residential time between the parent and the child in the presence of the adjudicated juvenile, and after consideration of evidence of the adjudicated juvenile's compliance with community supervision or parole requirements, if any. If the adjudicated juvenile was not ordered by a court to participate in treatment for sex offenders, then the adjudicated juvenile shall obtain a psychosexual evaluation conducted by a certified sex offender treatment provider or a certified affiliate sex offender treatment provider indicating that the adjudicated juvenile has the lowest likelihood of risk to reoffend before the court grants unsupervised contact between the parent and a child which may occur in the presence of the adjudicated juvenile who is residing with the parent.~~

~~(m)(i) The limitations imposed by the court under (a) or (b) of this subsection shall be reasonably calculated to protect the child from the physical, sexual, or~~

~~emotional abuse or harm that could result if the child has contact with the parent requesting residential time. The limitations shall also be reasonably calculated to provide for the safety of the parent who may be at risk of physical, sexual, or emotional abuse or harm that could result if the parent has contact with the parent requesting residential time. The limitations the court may impose include, but are not limited to: Supervised contact between the child and the parent or completion of relevant counseling or treatment. If the court expressly finds based on the evidence that limitations on the residential time with the child will not adequately protect the child from the harm or abuse that could result if the child has contact with the parent requesting residential time, the court shall restrain the parent requesting residential time from all contact with the child.~~

~~(ii) The court shall not enter an order under (a) of this subsection allowing a parent to have contact with a child if the parent has been found by clear and convincing evidence in a civil action or by a preponderance of the evidence in a dependency action to have sexually abused the child, except upon recommendation by an evaluator or therapist for the child that the child is ready for contact with the parent and will not be harmed by the contact. The court shall not enter an order allowing a parent to have contact with the child in the offender's presence if the parent resides with a person who has been found by clear and convincing evidence in a civil action or by a preponderance of the evidence in a dependency action to have sexually abused a child, unless the court finds that the parent accepts that the person engaged in the harmful conduct and the parent is willing to and capable of protecting the child from harm from the person.~~

~~(iii) The court shall not enter an order under (a) of this subsection allowing a parent to have contact with a child if the parent has been found by clear and convincing evidence pursuant to RCW 26.26A.465 to have committed sexual assault, as defined in RCW 26.26A.465, against the child's parent, and that the child was born within three hundred twenty days of the sexual assault.~~

~~(iv) If the court limits residential time under (a) or (b) of this subsection to require supervised contact between the child and the parent, the court shall not approve of a supervisor for contact between a child and a parent who has engaged in physical, sexual, or a pattern of emotional abuse of the child unless the court finds based upon the evidence that the supervisor accepts that the harmful conduct occurred and is willing to and capable of protecting the child from harm. The court shall revoke court approval of the supervisor upon finding, based on the evidence, that the supervisor has failed to protect the child or is no longer willing to or capable of protecting the child.~~

~~(n) If the court expressly finds based on the evidence that contact between the parent and the child will not cause physical, sexual, or emotional abuse or harm to the child and that the probability that the parent's or other person's harmful or abusive conduct will recur is so remote that it would not be in the child's best interests to apply the limitations of (a), (b), and (m)(i) and (iv) of this subsection, or if the court expressly finds that the parent's conduct did not have an impact on the child, then the court need not apply the limitations of (a), (b), and (m)(i) and (iv) of this subsection. The weight given to the existence of a protection order issued under chapter 7.105 RCW or former chapter 26.50 RCW as to domestic violence is within the discretion of the court. This subsection shall not apply when (c), (d), (e), (f), (g), (h), (i), (j), (k), (l), and (m)(ii) of this subsection apply.~~

~~(3)~~)), or any sexual assault; or

(iii) Sexual abuse of a child. Required limitations and considerations on a parent who resides with someone convicted of a sex offense against a child or found to have sexually abused a child in the current case or a prior case are addressed in section 2 of this act.

(c) PARENTAL CONDUCT THAT MAY RESULT IN LIMITATIONS ON A PARENT'S RESIDENTIAL TIME. A parent's involvement or conduct may have an adverse effect on the child's best interests, and the court may preclude or limit any provisions of the parenting plan, if any of the following factors exist:

((~~(a)~~))(i) A parent's neglect or substantial nonperformance of parenting functions;

((~~(b)~~))(ii) A long-term emotional or physical impairment ((~~which~~))that interferes with the parent's performance of parenting functions ((~~as defined in RCW 26.09.004~~));

((~~(c)~~))(iii) A long-term impairment resulting from drug, alcohol, or other substance abuse that interferes with the performance of parenting functions;

((~~(d)~~))(iv) The absence or substantial impairment of emotional ties between the parent and the child;

((~~(e) The~~))(v) A parent has engaged in the abusive use of conflict ((~~by the parent~~)) which creates the danger of serious damage to the child's psychological development((~~. Abusive use of conflict includes, but is not limited to, abusive litigation as defined in RCW 26.51.020. If the court finds a parent has engaged in abusive litigation, the court may impose any restrictions or remedies set forth in chapter 26.51 RCW in addition to including a finding in the parenting plan. Litigation that is aggressive or improper but that does not meet the definition of abusive litigation shall not constitute a basis for a finding under this section. A report made in good faith to law enforcement, a medical professional, or child protective services of sexual, physical, or mental abuse of a child shall not constitute a basis for a finding of abusive use of conflict;~~

~~(f)~~))~~;~~

(vi) A parent has withheld from the other parent access to the child for a protracted period without good cause. Withholding does not include protective actions taken by a parent in good faith for the legitimate and lawful purpose of protecting themselves or

the parent's child from the risk of harm posed by the other parent; or

((~~(g)~~))(vii) Such other factors or conduct as the court expressly finds adverse to the best interests of the child.

((~~(4) In cases involving allegations of limiting factors under subsection (2)(a)(ii) and (iii) of this section, both parties shall be screened to determine the appropriateness of a comprehensive assessment regarding the impact of the limiting factor on the child and the parties.~~

~~(5) In entering a permanent parenting plan, the court shall not draw any presumptions from the provisions of the temporary parenting plan.~~

~~(6) In determining whether any of the conduct described in this section has occurred, the court shall apply the civil rules of evidence, proof, and procedure.~~

~~(7) For the purposes of this section:~~

~~(a) "A parent's child" means that parent's natural child, adopted child, or stepchild; and~~

~~(b) "Social worker" means a person with a master's or further advanced degree from a social work educational program accredited and approved as provided in RCW 18.320.010.~~))

(d) LIMITATIONS A COURT MAY IMPOSE ON A PARENT'S RESIDENTIAL TIME. The limitations that may be imposed by the court under this section shall be reasonably calculated to protect a child from the physical, sexual, or emotional abuse or harm that could result if a child has contact with the parent requesting residential time. The limitations shall also be reasonably calculated to provide for the safety of the parent who may be at risk of physical, sexual, or emotional abuse or harm that could result if the parent has contact with the other parent. The limitations the court may impose include, but are not limited to:

(i) SUPERVISED VISITATION. A court may, in its discretion, order supervised contact between a child and the parent.

(A) If the court requires supervised visitation, there is a presumption that the supervision shall be provided by a professional supervisor. This presumption is overcome if the court finds: (I) There is a lay person who has demonstrated through sworn testimony and evidence of past interactions with children that they are capable and committed to protecting the child from physical or emotional abuse or harm; and (II) the parent is unable to access professional supervision due to (1) geographic isolation or other factors that would make professionally supervised visitation inaccessible or (2) financial indigency that has been demonstrated by a general rule 34 waiver or other evidence that the parent's current income and necessary expenses do not allow for the cost of professional supervision.

(B) For all supervision, the court shall include clear written guidelines and prohibitions to be followed by the supervised party. No visits shall take place until the supervised parent and supervisor, or designated representative of a professional supervision program, have signed an acknowledgment confirming that they have read the court orders and the guidelines and prohibitions regarding visitation and agree to follow them. The court shall only permit supervision by an individual or program that is committed to protecting the child from any physical or emotional abuse or harm and is willing and capable of intervening in behaviors inconsistent with the court orders and guidelines.

(C) A parent may seek an emergency ex parte order temporarily suspending residential time until review by the court if: (I) The supervised parent repeatedly violates the court order or guidelines; (II) the supervised parent threatens the supervisor or child with physical harm, commits an act of domestic violence, or materially violates any treatment condition associated with any restrictions under this section (a missed counseling appointment does not constitute a violation); (III) the supervisor is unable or unwilling to protect the child and/or the protected parent; or (IV) the supervisor is no longer willing to provide service to the supervised parent. The court suspending residential time shall set a review hearing to take place within 14 days of entering the ex parte order.

(ii) EVALUATION OR TREATMENT. The court may order a parent to undergo evaluations for such issues as domestic violence perpetration, substance use disorder, mental health, or anger management, with collateral input provided from the other parent. Any evaluation report that does not include collateral input must provide details as to why and the attempts made to obtain collateral input.

(A) The court may also order that a parent complete treatment for any of these issues if the need for treatment is supported by the evidence and the evidence supports a finding that the issue interferes with parenting functions.

(B) A parent's residential time and decision-making authority may be conditioned on the parent's completion of an evaluation or treatment ordered by the court.

(iii) NO CONTACT. If, based on the evidence, the court expressly finds that limitations on the residential time with a child will not adequately protect a child from the harm or abuse that could result if a child has contact with the parent requesting residential time, the court shall restrain the parent requesting residential time from all contact with a child.

(5) LIMITATIONS ON DECISION MAKING AND DISPUTE RESOLUTION. Except for circumstances provided in subsection (6)(b) of this section, the court shall order sole decision making and no dispute resolution other than court action if it is found that a parent has engaged in any of the following conduct:

(a) Willful abandonment that continues for an extended period;

(b) Physical, sexual, or a pattern of emotional abuse of a child;

(c) A history of acts of domestic violence as defined in RCW 7.105.010; or

(d) An assault that causes grievous bodily harm or the fear of such harm or any sexual assault.

(6) DETERMINATION NOT TO IMPOSE LIMITATIONS.

(a) If the court makes express written findings based on clear and convincing evidence that contact between the parent and the child will not cause physical, sexual, or emotional abuse or harm to the child and that the probability that the parent's or other person's harmful or abusive conduct will recur is so remote that it would not be in the child's best interests to apply limitations to residential time under subsection (4) of this section, then the court need not apply the limitations of subsection (4) of this section. This subsection shall not apply to findings of sexual abuse which are governed by section 2 of this act.

(b) If the court makes express written findings based on clear and convincing evidence that it would be contrary to the child's best interests to order sole decision making or preclude dispute resolution under subsection (5) of this section, the court need not apply those limitations. Where there has been a finding of domestic violence, there is a rebuttable presumption that there will be sole decision making. The court shall not require face-to-face mediation, arbitration, or interventions, including therapeutic interventions, that require the parties to share the same physical or virtual space if there has been a finding of domestic violence.

(c) In determining whether there is clear and convincing evidence supporting a determination not to impose limitations, the court shall consider and make express written findings on all of the following factors:

(i) Any current risk posed by the parent to the physical or psychological well-being of the child or other parent;

(ii) Whether a parent has demonstrated that they can and will prioritize the child's physical and psychological well-being;

(iii) Whether a parent has adhered to and is likely to adhere to court orders;

(iv) Whether a parent has genuinely acknowledged past harm and is committed to avoiding harm in the future; and

(v) A parent's compliance with any previously court-ordered treatment. A parent's compliance with the requirements for participation in a treatment program does not, by itself, constitute evidence that the parent has made the requisite changes.

(7) WHEN LIMITATIONS APPLY TO BOTH PARENTS.

(a) When mandatory limitations in subsection (4)(a) or (b) of this section apply to both parents, the court may make an exception in applying mandatory limitations. The court shall make detailed written findings regarding the comparative risk of harm to the child posed by each parent, and shall explain the limitations imposed on each parent, including any decision not to impose restrictions on a parent or to award decision making to a parent who is subject to limitations.

(b) When mandatory limitations under subsection (4)(a) or (b) of this section apply to one parent and discretionary limitations under subsection (4)(c) of this section apply to another parent, there is a presumption that the mandatory limitations shall have priority in setting the limitations of the residential schedule, decision making, and dispute resolution. If the court deviates from this presumption, the court shall make detailed written findings as to the reasons for the deviation.

(c) When discretionary limitations in subsection (4)(c) of this section apply to both parents, the court shall make detailed written findings regarding the comparative risk of harm to the child posed by each parent, and shall explain the limitations imposed on each parent, including any decision not to impose restrictions on a parent or to award decision making to a parent who is subject to limitations in subsection (4)(c) of this section.

(d) In making the determinations under (a), (b), or (c) of this subsection, the court shall consider the best interests of the child and which parenting arrangement best maintains a child's emotional growth, health and stability, and physical care. Further, the best interests of the child are ordinarily served when the existing pattern of interaction between a parent and child is altered only to the extent necessitated by the changed relationship of the parents or as required to protect the child from physical, mental, or emotional harm.

(8) RIGHTS TO APPEAL. Nothing in this section restricts any right to appeal.

NEW SECTION. **Sec. 2.** A new section is added to chapter 26.09 RCW to read as follows:

This section governs limitations on residential provisions, decision-making authority, and dispute resolution when a parent, or a person the parent resides with, has been convicted of a sex offense against a child or found to have sexually abused a child.

(1) SEXUALLY VIOLENT PREDATORS. If a parent has been found to be a sexually violent predator under chapter 71.09 RCW or under an analogous statute of any other jurisdiction, the court shall restrain the parent from contact with a child that would otherwise be allowed under this chapter. If a parent resides with an adult or a juvenile who has been found to be a sexually violent predator under chapter 71.09 RCW or under an analogous statute of any other jurisdiction, the court shall restrain the parent from contact with the parent's child except contact that occurs outside the predator's presence.

(2) CHILD SEXUAL ABUSE BY PARENT.

(a) There is a rebuttable presumption that a parent who has been convicted as an adult of a sex offense against any child in this or another jurisdiction poses a present danger to a child. Unless the parent rebuts this presumption, the court shall restrain the parent from all contact with the parent's child that would otherwise be allowed under this chapter.

(b) The court shall not enter an order allowing a parent to have contact with the parent's child if the parent has been found by a preponderance of the evidence in a

dependency or family law action, including in the current case, to have sexually abused that child, except upon recommendation by an evaluator or therapist for the child that the child is ready for contact with the parent and will not be harmed by the contact.

(3) PARENT RESIDING WITH A PERSON FOUND TO HAVE SEXUALLY ABUSED A CHILD.

(a) There is a rebuttable presumption that a parent who knowingly resides with a person who, as an adult, has been convicted of a sex offense against a child, or as a juvenile has been adjudicated of a sex offense against a child at least eight years younger, in this or another jurisdiction, places a child at risk of abuse or harm when that parent exercises residential time in the presence of the convicted or adjudicated person. Unless the parent rebuts the presumption, the court shall restrain the parent from contact with the parent's child except for contact that occurs outside of the convicted or adjudicated person's presence.

(b) The court shall not enter an order allowing a parent to have contact with the child in the offender's presence if the parent resides with a person who has been found by a preponderance of the evidence in a dependency or family law action, including in the current case, to have sexually abused a child, unless the court finds that the parent accepts that the person engaged in the harmful conduct and the parent is willing to and capable of protecting the child from harm from the person.

(4) REBUTTING THE PRESUMPTION OF NO CONTACT.

(a) OFFENDING PARENT. The presumption established in subsection (2)(a) of this section may be rebutted only after a written finding based on clear and convincing evidence that:

(i) If the child was not the victim of the sex offense committed by the parent requesting residential time, (A) contact between the child and the offending parent is appropriate and poses minimal risk to the child, and (B) the offending parent has provided documentation that they have successfully completed treatment for sex offenders or are engaged in and making progress in such treatment, if any was ordered by a court; or

(ii) If the child was the victim of the sex offense committed by the parent requesting residential time, (A) contact between the child and the offending parent is appropriate and poses minimal risk to the child, (B) if the child is in or has been in therapy for victims of sexual abuse, the child's counselor believes such contact between the child and the offending parent is in the child's best interest, and (C) the offending parent has provided documentation that they have successfully completed treatment for sex offenders or are engaged in and making progress in such treatment, if any was ordered by a court.

(b) PARENT RESIDES WITH OFFENDING PERSON. The presumption established in subsection (3)(a) of this section may be rebutted only after a written finding based on clear and convincing evidence that:

(i) If the child was not the victim of the sex offense committed by the person who is residing with the parent requesting residential time, (A) contact between the child and the parent residing with the convicted or adjudicated person is appropriate and that parent is able to protect the child in the presence of the convicted or adjudicated person, and (B) the convicted or adjudicated person has provided documentation that they have successfully completed treatment for sex offenders or are engaged in and making progress in such treatment, if any was ordered by a court; or

(ii) If the child was the victim of the sex offense committed by the person who is residing with the parent requesting residential time, (A) contact between the child and the parent in the presence of the convicted or adjudicated person is appropriate and poses minimal risk to the child, (B) if the child is in or has been in therapy for victims of sexual abuse, the child's counselor believes such contact between the child and the parent residing with the convicted or adjudicated person in the presence of the convicted or adjudicated person is in the child's best interest, and (C) the convicted or adjudicated person has provided documentation that they have successfully completed treatment for sex offenders or are engaged in and making progress in such treatment, if any was ordered by a court.

(c) CONTACT IF PRESUMPTION REBUTTED.

(i)(A) If the court finds that the parent has met the burden of rebutting the presumption under (a) of this subsection, the court may allow a parent who has been convicted as an adult of a sex offense against a child to have residential time with the child supervised by a neutral and independent adult and pursuant to an adequate plan for supervision of such residential time.

(B) The court shall not approve of a supervisor for contact between the child and the parent unless the court finds, based on the evidence, that the supervisor is willing and capable of protecting the child from harm. The court shall revoke court approval of the supervisor upon finding, based on the evidence, that the supervisor has failed to protect the child or is no longer willing or capable of protecting the child;

(ii) If the court finds that the parent has met the burden of rebutting the presumption under (b) of this subsection, the court may allow a parent residing with a person who has been convicted of a sex offense against a child or adjudicated of a juvenile sex offense with a child at least eight years younger to have residential time with the child in the presence of that person, supervised by a neutral and independent adult and pursuant to an adequate plan for supervision of such residential time. The supervisor may be the parent if the court finds, based on the evidence, that the parent is willing and capable of protecting the child from harm. The court shall revoke court approval of the supervisor, including the parent, upon finding, based on the evidence, that the supervisor has failed to protect the child

or is no longer willing or capable of protecting the child;

(iii) A court shall not order unsupervised contact between the offending parent and a child of the offending parent who was sexually abused by that parent;

(iv) A court may order unsupervised contact between the offending parent and a child who was not sexually abused by the parent after the presumption under subsection (2)(a) of this section has been rebutted pursuant to (a) of this subsection and supervised residential time has occurred for at least two years with no further arrests or convictions of sex offenses involving children and (A) the sex offense of the offending parent was not committed against a child of the offending parent, and (B) the court finds that unsupervised contact between the child and the offending parent is appropriate and poses minimal risk to the child, after consideration of the testimony of a state-certified therapist, mental health counselor, or social worker with expertise in treating child sexual abuse victims who has supervised at least one period of residential time between the parent and the child, and after consideration of evidence of the offending parent's compliance with community supervision requirements, if any. If the offending parent was not ordered by a court to participate in treatment for sex offenders, then the parent shall obtain a psychosexual evaluation conducted by a certified sex offender treatment provider or a certified affiliate sex offender treatment provider indicating that the offender has the lowest likelihood of risk to reoffend before the court grants unsupervised contact between the parent and a child.

(5) RESTRICTED DECISION MAKING AND DISPUTE RESOLUTION. The parenting plan shall not require mutual decision making or designation of a dispute resolution process other than court action if it is found that a parent has been convicted as an adult of a sex offense against any child in this or any other jurisdiction or has been found to be a sexually violent predator under chapter 71.09 RCW or under an analogous statute of any other jurisdiction.

Sec. 3. RCW 11.130.215 and 2022 c 243 s 8 are each amended to read as follows:

(1) After a hearing under RCW 11.130.195, the court may appoint a guardian for a minor, if appointment is proper under RCW 11.130.185, dismiss the proceeding, or take other appropriate action consistent with this chapter or law of this state other than this chapter.

(2) In appointing a guardian under subsection (1) of this section, the following rules apply:

(a) The court shall appoint a person nominated as guardian by a parent of the minor in a probated will or other record unless the court finds the appointment is contrary to the best interest of the minor. Any "other record" must be a declaration or other sworn document and may include a power of attorney or other sworn statement as to the care, custody, or control of the minor child.

(b) If multiple parents have nominated different persons to serve as guardian, the court shall appoint the nominee whose appointment is in the best interest of the minor, unless the court finds that appointment of none of the nominees is in the best interest of the minor.

(c) If a guardian is not appointed under (a) or (b) of this subsection, the court shall appoint the person nominated by the minor if the minor is twelve years of age or older unless the court finds that appointment is contrary to the best interest of the minor. In that case, the court shall appoint as guardian a person whose appointment is in the best interest of the minor.

(3) In the interest of maintaining or encouraging involvement by a minor's parent in the minor's life, developing self-reliance of the minor, or for other good cause, the court, at the time of appointment of a guardian for the minor or later, on its own or on motion of the minor or other interested person, may create a limited guardianship by limiting the powers otherwise granted by this article to the guardian. Following the same procedure, the court may grant additional powers or withdraw powers previously granted.

(4) The court, as part of an order appointing a guardian for a minor, shall state rights retained by any parent of the minor, which shall preserve the parent-child relationship through an order for parent-child visitation and other contact, unless the court finds the relationship should be limited or restricted under RCW 26.09.191 or section 2 of this act; and which may include decision making regarding the minor's health care, education, or other matter, or access to a record regarding the minor.

(5) An order granting a guardianship for a minor must state that each parent of the minor is entitled to notice that:

(a) The guardian has delegated custody of the minor subject to guardianship;

(b) The court has modified or limited the powers of the guardian; or

(c) The court has removed the guardian.

(6) An order granting a guardianship for a minor must identify any person in addition to a parent of the minor which is entitled to notice of the events listed in subsection (5) of this section.

(7) An order granting guardianship for a minor must direct the clerk of the court to issue letters of office to the guardian containing an expiration date which should be the minor's eighteenth birthday.

Sec. 4. RCW 26.09.187 and 2007 c 496 s 603 are each amended to read as follows:

(1) DISPUTE RESOLUTION PROCESS. The court shall not order a dispute resolution process, except court action, when it finds that any limiting factor under RCW 26.09.191 or section 2 of this act applies, or when it finds that either parent is unable to afford the cost of the proposed dispute resolution process. If a dispute resolution process is not precluded or limited, then in designating such a process the court shall consider all relevant factors, including:

(a) Differences between the parents that would substantially inhibit their effective participation in any designated process;

(b) The parents' wishes or agreements and, if the parents have entered into agreements, whether the agreements were made knowingly and voluntarily; and

(c) Differences in the parents' financial circumstances that may affect their ability to participate fully in a given dispute resolution process.

(2) ALLOCATION OF DECISION-MAKING AUTHORITY.

(a) AGREEMENTS BETWEEN THE PARTIES. The court shall approve agreements of the parties allocating decision-making authority, or specifying rules in the areas listed in RCW 26.09.184(5)(a), when it finds that:

(i) The agreement is consistent with any limitations on a parent's decision-making authority mandated by RCW 26.09.191 and section 2 of this act; and

(ii) The agreement is knowing and voluntary.

(b) SOLE DECISION-MAKING AUTHORITY. The court shall order sole decision-making to one parent when it finds that:

(i) A limitation on the other parent's decision-making authority is mandated by RCW 26.09.191 or section 2 of this act;

(ii) Both parents are opposed to mutual decision making;

(iii) One parent is opposed to mutual decision making, and such opposition is reasonable based on the criteria in (c) of this subsection.

(c) MUTUAL DECISION-MAKING AUTHORITY. Except as provided in (a) and (b) of this subsection, the court shall consider the following criteria in allocating decision-making authority:

(i) The existence of a limitation under RCW 26.09.191 or section 2 of this act;

(ii) The history of participation of each parent in decision making in each of the areas in RCW 26.09.184(5)(a);

(iii) Whether the parents have a demonstrated ability and desire to cooperate with one another in decision making in each of the areas in RCW 26.09.184(5)(a); and

(iv) The parents' geographic proximity to one another, to the extent that it affects their ability to make timely mutual decisions.

(3) RESIDENTIAL PROVISIONS.

(a) The court shall make residential provisions for each child which encourage each parent to maintain a loving, stable, and nurturing relationship with the child, consistent with the child's developmental level and the family's social and economic circumstances. The child's residential schedule shall be consistent with RCW 26.09.191 and section 2 of this act. Where the limitations of RCW 26.09.191 or section 2 of this act are not dispositive of the child's residential schedule, the court shall consider the following factors:

(i) The relative strength, nature, and stability of the child's relationship with each parent;

(ii) The agreements of the parties, provided they were entered into knowingly and voluntarily;

(iii) Each parent's past and potential for future performance of parenting functions as defined in RCW 26.09.004((~~(3)~~)) (2), including whether a parent has taken greater responsibility for performing parenting functions relating to the daily needs of the child;

(iv) The emotional needs and developmental level of the child;

(v) The child's relationship with siblings and with other significant adults, as well as the child's involvement with his or her physical surroundings, school, or other significant activities;

(vi) The wishes of the parents and the wishes of a child who is sufficiently mature to express reasoned and independent preferences as to his or her residential schedule; and

(vii) Each parent's employment schedule, and shall make accommodations consistent with those schedules.

Factor (i) shall be given the greatest weight.

(b) Where the limitations of RCW 26.09.191 or section 2 of this act are not dispositive, the court may order that a child frequently alternate his or her residence between the households of the parents for brief and substantially equal intervals of time if such provision is in the best interests of the child. In determining whether such an arrangement is in the best interests of the child, the court may consider the parties geographic proximity to the extent necessary to ensure the ability to share performance of the parenting functions.

(c) For any child, residential provisions may contain any reasonable terms or conditions that facilitate the orderly and meaningful exercise of residential time by a parent, including but not limited to requirements of reasonable notice when residential time will not occur.

Sec. 5. RCW 26.09.194 and 2008 c 6 s 1045 are each amended to read as follows:

(1) A parent seeking a temporary order relating to parenting shall file and serve a proposed temporary parenting plan by motion. The other parent, if contesting the proposed temporary parenting plan, shall file and serve a responsive proposed parenting plan. Either parent may move to have a proposed temporary parenting plan entered as part of a temporary order. The parents may enter an agreed temporary parenting plan at any time as part of a temporary order. The proposed temporary parenting plan may be supported by relevant evidence and shall be accompanied by an affidavit or declaration which shall state at a minimum the following:

(a) The name, address, and length of residence with the person or persons with whom the child has lived for the preceding twelve months;

(b) The performance by each parent during the last twelve months of the parenting functions relating to the daily needs of the child;

(c) The parents' work and child-care schedules for the preceding twelve months;

(d) The parents' current work and child-care schedules; and

(e) Any of the circumstances set forth in RCW 26.09.191 or section 2 of this act that are likely to pose a serious risk to the child and that warrant limitation on the award to a parent of temporary residence or time with the child pending entry of a permanent parenting plan.

(2) At the hearing, the court shall enter a temporary parenting order incorporating a temporary parenting plan which includes:

(a) A schedule for the child's time with each parent when appropriate;

(b) Designation of a temporary residence for the child;

(c) Allocation of decision-making authority, if any. Absent allocation of decision-making authority consistent with RCW 26.09.187(2), neither party shall make any decision for the child other than those relating to day-to-day or emergency care of the child, which shall be made by the party who is present with the child;

(d) Provisions for temporary support for the child; and

(e) Restraining orders, if applicable, under RCW 26.09.060.

(3) A parent may make a motion for an order to show cause and the court may enter a temporary order, including a temporary parenting plan, upon a showing of necessity.

(4) A parent may move for amendment of a temporary parenting plan, and the court may order amendment to the temporary parenting plan, if the amendment conforms to the limitations of RCW 26.09.191 and section 2 of this act and is in the best interest of the child.

(5) If a proceeding for dissolution of marriage or dissolution of domestic partnership, legal separation, or declaration of invalidity is dismissed, any temporary order or temporary parenting plan is vacated.

Sec. 6. RCW 26.09.260 and 2009 c 502 s 3 are each amended to read as follows:

(1) Except as otherwise provided in subsections (4), (5), (6), (8), and (10) of this section, the court shall not modify a prior custody decree or a parenting plan unless it finds, upon the basis of facts that have arisen since the prior decree or plan or that were unknown to the court at the time of the prior decree or plan, that a substantial change has occurred in the circumstances of the child or the nonmoving party and that the modification is in the best interest of the child and is necessary to serve the best interests of the child. The effect of a parent's military duties potentially impacting parenting functions shall not, by itself, be a substantial change of circumstances justifying a permanent modification of a prior decree or plan.

(2) In applying these standards, the court shall retain the residential schedule established by the decree or parenting plan unless:

(a) The parents agree to the modification;

(b) The child has been integrated into the family of the petitioner with the consent of the other parent in substantial deviation from the parenting plan;

(c) The child's present environment is detrimental to the child's physical, mental, or emotional health and the harm likely to be caused by a change of environment is outweighed by the advantage of a change to the child; or

(d) The court has found the nonmoving parent in contempt of court at least twice within three years because the parent failed to comply with the residential time provisions in the court-ordered parenting plan, or the parent has been convicted of custodial interference in the first or second degree under RCW 9A.40.060 or 9A.40.070.

(3) A conviction of custodial interference in the first or second degree under RCW 9A.40.060 or 9A.40.070 shall constitute a substantial change of circumstances for the purposes of this section.

(4) The court may reduce or restrict contact between the child and the parent with whom the child does not reside a majority of the time if it finds that the reduction or restriction would serve and protect the best interests of the child using the criteria in RCW 26.09.191 and section 2 of this act.

(5) The court may order adjustments to the residential aspects of a parenting plan upon a showing of a substantial change in circumstances of either parent or of the child, and without consideration of the factors set forth in subsection (2) of this section, if the proposed modification is only a minor modification in the residential schedule that does not change the residence the child is scheduled to reside in the majority of the time and:

(a) Does not exceed twenty-four full days in a calendar year; or

(b) Is based on a change of residence of the parent with whom the child does not reside the majority of the time or an involuntary change in work schedule by a parent which makes the residential schedule in the parenting plan impractical to follow; or

(c) Does not result in a schedule that exceeds ninety overnights per year in total, if the court finds that, at the time the petition for modification is filed, the decree of dissolution or parenting plan does not provide reasonable time with the parent with whom the child does not reside a majority of the time, and further, the court finds that it is in the best interests of the child to increase residential time with the parent in excess of the residential time period in (a) of this subsection. However, any motion under this subsection (5)(c) is subject to the factors established in subsection (2) of this section if the party bringing the petition has previously been granted a modification under this same subsection within twenty-four months of the current motion. Relief granted under this section shall not be the sole basis for adjusting or modifying child support.

(6) The court may order adjustments to the residential aspects of a parenting plan pursuant to a proceeding to permit or restrain a relocation of the child. The person objecting to the relocation of the child or the relocating person's proposed

revised residential schedule may file a petition to modify the parenting plan, including a change of the residence in which the child resides the majority of the time, without a showing of adequate cause other than the proposed relocation itself. A hearing to determine adequate cause for modification shall not be required so long as the request for relocation of the child is being pursued. In making a determination of a modification pursuant to relocation of the child, the court shall first determine whether to permit or restrain the relocation of the child using the procedures and standards provided in RCW 26.09.405 through 26.09.560. Following that determination, the court shall determine what modification pursuant to relocation should be made, if any, to the parenting plan or custody order or visitation order.

(7) A parent with whom the child does not reside a majority of the time and whose residential time with the child is subject to limitations pursuant to RCW 26.09.191 ((~~(2) or (3)~~))or section 2 of this act may not seek expansion of residential time under subsection (5)(c) of this section unless that parent demonstrates a substantial change in circumstances specifically related to the basis for the limitation.

(8)(a) If a parent with whom the child does not reside a majority of the time voluntarily fails to exercise residential time for an extended period, that is, one year or longer, the court upon proper motion may make adjustments to the parenting plan in keeping with the best interests of the minor child.

(b) For the purposes of determining whether the parent has failed to exercise residential time for one year or longer, the court may not count any time periods during which the parent did not exercise residential time due to the effect of the parent's military duties potentially impacting parenting functions.

(9) A parent with whom the child does not reside a majority of the time who is required by the existing parenting plan to complete evaluations, treatment, parenting, or other classes may not seek expansion of residential time under subsection (5)(c) of this section unless that parent has fully complied with such requirements.

(10) The court may order adjustments to any of the nonresidential aspects of a parenting plan upon a showing of a substantial change of circumstances of either parent or of a child, and the adjustment is in the best interest of the child. Adjustments ordered under this section may be made without consideration of the factors set forth in subsection (2) of this section.

(11) If the parent with whom the child resides a majority of the time receives temporary duty, deployment, activation, or mobilization orders from the military that involve moving a substantial distance away from the parent's residence or otherwise would have a material effect on the parent's ability to exercise parenting functions and primary placement responsibilities, then:

(a) Any temporary custody order for the child during the parent's absence shall end no later than ten days after the returning parent provides notice to the temporary custodian, but shall not impair the discretion of the court to conduct an expedited or emergency hearing for resolution of the child's residential placement upon return of the parent and within ten days of the filing of a motion alleging an immediate danger of irreparable harm to the child. If a motion alleging immediate danger has not been filed, the motion for an order restoring the previous residential schedule shall be granted; and

(b) The temporary duty, activation, mobilization, or deployment and the temporary disruption to the child's schedule shall not be a factor in a determination of change of circumstances if a motion is filed to transfer residential placement from the parent who is a military service member.

(12) If a parent receives military temporary duty, deployment, activation, or mobilization orders that involve moving a substantial distance away from the military parent's residence or otherwise have a material effect on the military parent's ability to exercise residential time or visitation rights, at the request of the military parent, the court may delegate the military parent's residential time or visitation rights, or a portion thereof, to a child's family member, including a stepparent, or another person other than a parent, with a close and substantial relationship to the minor child for the duration of the military parent's absence, if delegating residential time or visitation rights is in the child's best interest. The court may not permit the delegation of residential time or visitation rights to a person who would be subject to limitations on residential time under RCW 26.09.191 or section 2 of this act. The parties shall attempt to resolve disputes regarding delegation of residential time or visitation rights through the dispute resolution process specified in their parenting plan, unless excused by the court for good cause shown. Such a court-ordered temporary delegation of a military parent's residential time or visitation rights does not create separate rights to residential time or visitation for a person other than a parent.

(13) If the court finds that a motion to modify a prior decree or parenting plan has been brought in bad faith, the court shall assess the attorney's fees and court costs of the nonmoving parent against the moving party.

Sec. 7. RCW 26.09.520 and 2019 c 79 s 3 are each amended to read as follows:

The person proposing to relocate with the child shall provide his or her reasons for the intended relocation. There is a rebuttable presumption that the intended relocation of the child will be permitted. A person entitled to object to the intended relocation of the child may rebut the presumption by demonstrating that the detrimental effect of the relocation outweighs the benefit of the change to the child and the relocating person, based upon the following factors. The factors listed in this section are not weighted. No inference

is to be drawn from the order in which the following factors are listed:

(1) The relative strength, nature, quality, extent of involvement, and stability of the child's relationship with each parent, siblings, and other significant persons in the child's life;

(2) Prior agreements of the parties;

(3) Whether disrupting the contact between the child and the person seeking relocation would be more detrimental to the child than disrupting contact between the child and the person objecting to the relocation;

(4) Whether either parent or a person entitled to residential time with the child is subject to limitations under RCW 26.09.191 or section 2 of this act;

(5) The reasons of each person for seeking or opposing the relocation and the good faith of each of the parties in requesting or opposing the relocation;

(6) The age, developmental stage, and needs of the child, and the likely impact the relocation or its prevention will have on the child's physical, educational, and emotional development, taking into consideration any special needs of the child;

(7) The quality of life, resources, and opportunities available to the child and to the relocating party in the current and proposed geographic locations;

(8) The availability of alternative arrangements to foster and continue the child's relationship with and access to the other parent;

(9) The alternatives to relocation and whether it is feasible and desirable for the other party to relocate also;

(10) The financial impact and logistics of the relocation or its prevention; and

(11) For a temporary order, the amount of time before a final decision can be made at trial.

Sec. 8. RCW 26.12.177 and 2011 c 292 s 7 are each amended to read as follows:

(1) All guardians ad litem appointed under this title must comply with the training requirements established under RCW 2.56.030(15), prior to their appointment in cases under Title 26 RCW, except that volunteer guardians ad litem or court-appointed special advocates may comply with alternative training requirements approved by the administrative office of the courts that meet or exceed the statewide requirements. In cases involving allegations of limiting factors under RCW 26.09.191 or section 2 of this act, the guardians ad litem appointed under this title must have additional relevant training under RCW 2.56.030(15) when it is available.

(2)(a) Each guardian ad litem program for compensated guardians ad litem shall establish a rotational registry system for the appointment of guardians ad litem under this title. If a judicial district does not have a program the court shall establish the rotational registry system. Guardians ad litem under this title shall be selected from the registry except in exceptional circumstances as determined and documented by the court. The parties may make a joint recommendation for the appointment of a guardian ad litem from the registry.

(b) In judicial districts with a population over one hundred thousand, a list of three names shall be selected from the registry and given to the parties along with the background information record as specified in RCW 26.12.175(3), including their hourly rate for services. Each party may, within three judicial days, strike one name from the list. If more than one name remains on the list, the court shall make the appointment from the names on the list. In the event all three names are stricken the person whose name appears next on the registry shall be appointed.

(c) If a party reasonably believes that the appointed guardian ad litem is inappropriate or unqualified, charges an hourly rate higher than what is reasonable for the particular proceeding, or has a conflict of interest, the party may, within three judicial days from the appointment, move for substitution of the appointed guardian ad litem by filing a motion with the court.

(d) Under this section, within either registry referred to in (a) of this subsection, a subregistry may be created that consists of guardians ad litem under contract with the department of social and health services' division of child support. Guardians ad litem on such a subregistry shall be selected and appointed in state-initiated paternity cases only.

(e) The superior court shall remove any person from the guardian ad litem registry who has been found to have misrepresented his or her qualifications.

(3) The rotational registry system shall not apply to court-appointed special advocate programs.

Sec. 9. RCW 26.51.020 and 2021 c 215 s 143 and 2021 c 65 s 103 are each reenacted and amended to read as follows:

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

(1) "Abusive litigation" means litigation where the following apply:

(a)(i) The opposing parties have a current or former intimate partner relationship;

(ii) The party who is filing, initiating, advancing, or continuing the litigation has been found by a court to have committed domestic violence against the other party pursuant to: (A) An order entered under chapter 7.105 RCW or former chapter 26.50 RCW; (B) a parenting plan with restrictions based on RCW 26.09.191((~~(2)(a)(iii)~~))(4)(a)(iii); or (C) a restraining order entered under chapter 26.09, 26.26A, or 26.26B RCW, provided that the issuing court made a specific finding that the restraining order was necessary due to domestic violence; and

(iii) The litigation is being initiated, advanced, or continued primarily for the purpose of harassing, intimidating, or maintaining contact with the other party; and

(b) At least one of the following factors apply:

(i) Claims, allegations, and other legal contentions made in the litigation are not warranted by existing law or by a reasonable argument for the extension, modification, or reversal of existing law, or the establishment of new law;

(ii) Allegations and other factual contentions made in the litigation are without the existence of evidentiary support; or

(iii) An issue or issues that are the basis of the litigation have previously been filed in one or more other courts or jurisdictions and the actions have been litigated and disposed of unfavorably to the party filing, initiating, advancing, or continuing the litigation.

(2) "Intimate partner" is defined in RCW 7.105.010.

(3) "Litigation" means any kind of legal action or proceeding including, but not limited to: (a) Filing a summons, complaint, demand, or petition; (b) serving a summons, complaint, demand, or petition, regardless of whether it has been filed; (c) filing a motion, notice of court date, note for motion docket, or order to appear; (d) serving a motion, notice of court date, note for motion docket, or order to appear, regardless of whether it has been filed or scheduled; (e) filing a subpoena, subpoena duces tecum, request for interrogatories, request for production, notice of deposition, or other discovery request; or (f) serving a subpoena, subpoena duces tecum, request for interrogatories, request for production, notice of deposition, or other discovery request.

(4) "Perpetrator of abusive litigation" means a person who files, initiates, advances, or continues litigation in violation of an order restricting abusive litigation."

On page 1, line 1 of the title, after "plans;" strike the remainder of the title and insert "amending RCW 26.09.191, 11.130.215, 26.09.187, 26.09.194, 26.09.260, 26.09.520, and 26.12.177; reenacting and amending RCW 26.51.020; and adding a new section to chapter 26.09 RCW."

and the same is herewith transmitted.

Sarah Bannister, Secretary

MOTION

Representative Taylor moved that the House concur with the Senate amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1620.

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

Representative Walsh spoke against the passage of the bill.

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1620 and advanced the bill, as amended by the Senate, to final passage.

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

Representatives Abell, Burnett, Griffey and Walsh spoke against the passage of the bill.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Stearns presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1620, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1620, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 60; Nays, 37; Absent, 0; Excused, 1

Voting Yea: Representatives Barnard, Berg, Bergquist, Bernbaum, Berry, Bronoske, Callan, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Hill, Hunt, Kloba, Leavitt, Lekanoff, Macri, Mena, Morgan, Nance, Obras, Ormsby, Ortiz-Self, Parshley, Paul, Peterson, Pollet, Ramel, Reed, Reeves, Richards, Rule, Ryu, Salahuddin, Santos, Scott, Shavers, Simmons, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Thomas, Timmons, Walen, Wylie, Zahn and Mme. Speaker

Voting Nay: Representatives Abbarno, Abell, Barkis, Burnett, Caldier, Chase, Connors, Corry, Couture, Dent, Dufault, Dye, Engell, Eslick, Graham, Griffey, Jacobsen, Keaton, Klicker, Ley, Low, Manjarrez, Marshall, McClintock, McEntire, Orcutt, Penner, Rude, Schmick, Schmidt, Steele, Stokesbary, Stuebe, Volz, Walsh, Waters and Ybarra

Excused: Representative Mendoza

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1620, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

Friday, April 11, 2025

Mme. Speaker:

The Senate has passed ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1440, with the following amendment(s): 1440-S2.E AMS ENGR S2859.E

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** This chapter provides standard procedures governing civil asset forfeiture and is applicable to laws of this state that authorize civil forfeiture of property and that indicate the provisions of this chapter apply.

NEW SECTION. **Sec. 2.** (1)(a) Except with respect to contraband items, which shall be seized and summarily forfeited, proceedings for forfeiture are deemed commenced upon mailing of a notice of intent to forfeit. The agency under whose authority the seizure for forfeiture was made shall cause notice to be served within 15 days following the seizure for forfeiture on the owner of the property seized and the person in charge thereof and any person having any known right or interest therein, including any community property interest, of the seizure and intended forfeiture of the seized property. Seizure for evidentiary purposes does not trigger civil forfeiture actions and notice requirements under this

section. Service of notice of seizure must be made according to the rules of civil procedure, except that service by mail shall be by certified mail, return receipt requested. However, a default judgment with respect to real property may not be obtained against a party who is served by substituted service absent an affidavit stating that a good faith effort has been made to ascertain if the defaulted party is incarcerated within the state, and that there is no present basis to believe that the party is incarcerated within the state. Notice of seizure in the case of property subject to a security interest that has been perfected by filing a financing statement in accordance with chapter 62A.9A RCW, or a certificate of title, must be made by service upon the secured party or the secured party's assignee at the address shown on the financing statement or the certificate of title.

(b) The notice must include information indicating that if the property owner or other person claiming a right or interest in the property contests the forfeiture, the person has the right to move the matter to a court of competent jurisdiction, and if the person substantially prevails in a forfeiture proceeding, the person is entitled to reimbursement for reasonable attorneys' fees.

(2) If no person notifies the seizing agency in writing of the person's claim of ownership or right to possession of an item seized within 60 days of the service of notice from the seizing agency in the case of personal property and 120 days in the case of real property, the item seized is deemed forfeited. The community property interest in real property of a person whose spouse or domestic partner committed a violation giving rise to seizure of the real property may not be forfeited if the person did not participate in the violation.

(3) If any person notifies the seizing agency in writing of the person's claim of ownership or right to possession of an item seized within 60 days of the service of notice from the seizing agency in the case of personal property and 120 days in the case of real property, the person or persons must be afforded a reasonable opportunity to be heard as to the claim or right. The notice of claim may be served by any method authorized by law or court rule including, but not limited to, service by first-class mail. Service by mail is deemed complete upon mailing within the 60-day period following service of the notice of seizure in the case of personal property and within the 120-day period following service of the notice of seizure in the case of real property.

(4) The hearing must be before the chief law enforcement officer of the seizing agency or the chief law enforcement officer's designee, except that where the seizing agency is a state agency as defined in RCW 34.12.020(4), the hearing must be before the chief law enforcement officer of the seizing agency or an administrative law judge appointed under chapter 34.12 RCW. Such a hearing and any appeal therefrom must be under Title 34 RCW.

(5) Any person asserting a claim or right may remove the matter to a court of competent jurisdiction. Removal of any matter involving personal property may only be accomplished according to the rules of civil procedure. The person seeking removal of the matter must serve process against the state, county, political subdivision, or municipality that operates the seizing agency, and any other party of interest, in accordance with RCW 4.28.080 or 4.92.020, within 45 days after the person seeking removal has notified the seizing agency of the person's claim of ownership or right to possession. The court to which the matter is to be removed must be the district court, or the municipal court for the jurisdiction in which the property was seized, when the aggregate value of personal property is within the jurisdictional limit set forth in RCW 3.66.020.

(6)(a) Whether the matter is heard under Title 34 RCW pursuant to subsection (4) of this section or removed to court pursuant to subsection (5) of this section, the burden of proof is upon the seizing agency to establish, by clear and convincing evidence, that the property is subject to forfeiture.

(b) No personal property may be forfeited to the extent of the interest of an owner, by reason of any act or omission committed or omitted without the owner's knowledge or consent;

(c) No real property may be forfeited to the extent of the interest of an owner, by reason of any act or omission committed or omitted without the owner's knowledge or consent.

(d) A forfeiture of real property encumbered by a bona fide security interest is subject to the interest of the secured party if the secured party, at the time the security interest was created, neither had knowledge of nor consented to the act or omission.

(7) The seizing agency shall promptly return seized items, in a substantially similar condition as when they were seized, to the claimant upon a determination by the administrative law judge or court that the claimant is the present lawful owner or is lawfully entitled to possession thereof.

(8) In any proceeding to forfeit property under this chapter, where the claimant substantially prevails, the claimant is entitled to reasonable attorneys' fees reasonably incurred by the claimant.

(9) The protections afforded by the service members' civil relief act, chapter 38.42 RCW, are applicable to proceedings under this chapter.

NEW SECTION. **Sec. 3.** (1) Upon the entry of an order of forfeiture of real property, the court shall forward a copy of the order to the assessor of the county in which the property is located. Orders for the forfeiture of real property shall be entered by the superior court, subject to court rules. Such an order shall be filed by the seizing agency in the county auditor's records in the county in which the real property is located.

(2)(a) A landlord may assert a claim against proceeds from the sale of assets seized and forfeited only if:

(i) An employee, agent, or officer of the seizing agency, while acting in his or her official capacity, directly caused damage to the complaining landlord's property while executing a search of a tenant's residence; and

(ii) The landlord has applied any funds remaining in the tenant's deposit, to which the landlord has a right under chapter 59.18 RCW, to cover the damage directly caused by the employee, agent, or officer of the seizing agency prior to asserting a claim under the provisions of this section;

(A) Only if the funds applied under (a)(ii) of this subsection are insufficient to satisfy the damage directly caused by the employee, agent, or officer of the seizing agency, may the landlord seek compensation for the damage by filing a claim against the governmental entity under whose authority the seizing agency operates within 30 days after the search;

(B) Only if the governmental entity denies or fails to respond to the landlord's claim within 60 days of the date of filing, may the landlord collect damages under this subsection by filing within 30 days of denial or the expiration of the 60-day period, whichever occurs first, a claim with the seizing agency. The seizing agency must notify the landlord of the status of the claim by the end of the 30-day period. Nothing in this section requires the claim to be paid by the end of the 60-day or 30-day period.

(b) For any claim filed under (a)(ii) of this subsection, the seizing agency shall pay the claim unless the agency provides substantial proof that the landlord either:

(i) Knew or consented to actions of the tenant in violation of this chapter or the chapter pursuant to which the seizure was made; or

(ii) Failed to respond to a notification of the illegal activity, provided by a law enforcement agency under RCW 59.18.075, within seven days of receipt of notification of the illegal activity.

(3) The landlord's claim for damages under subsection (2) of this section may not include a claim for loss of business and is limited to:

(a) Damage to tangible property and clean-up costs;

(b) The lesser of the cost of repair or fair market value of the damage directly caused by the employee, agent, or officer of the seizing agency;

(c) The proceeds from the sale of the specific tenant's property seized and forfeited; and

(d) The proceeds available after the seizing law enforcement agency satisfies any bona fide security interest in the tenant's property and costs related to sale of the tenant's property.

(4) Subsections (2) and (3) of this section do not limit any other rights a landlord may have against a tenant to collect for damages. However, if a seizing agency satisfies a landlord's claim under subsection (2) of this section, the rights the landlord has against the tenant for damages directly caused by an employee, agent, or officer of the seizing agency under the terms of the landlord and tenant's contract are subrogated to the seizing agency.

NEW SECTION. **Sec. 4.** When property is forfeited under this chapter, the seizing agency may:

(1) Retain it for official use or upon application by any law enforcement agency of this state release such property to such agency to be used in enforcement;

(2) Sell that which is not required to be destroyed by law and which is not harmful to the public;

(3) Request the appropriate sheriff or director of public safety to take custody of the property and remove it for disposition in accordance with law;

(4) Forward it to an appropriate entity, such as the drug enforcement administration, for disposition;

(5) Satisfy any known court-ordered restitution owed by the person from whom the property was forfeited; or

(6) Take any other action allowed by statute.

NEW SECTION. **Sec. 5.** (1)(a)(i) Except as provided in (a)(ii) of this subsection, by January 31st of each year, each seizing agency shall remit to the state treasurer an amount equal to 10 percent of the net proceeds of any property forfeited during the preceding calendar year. Money remitted shall be deposited in the state general fund unless otherwise provided in statute.

(ii) By January 31st of each year, each seizing agency shall remit to the state an amount equal to 10 percent of the net proceeds of any property forfeited under RCW 10.105.010 and 46.61.5058 during the preceding calendar year for deposit into the behavioral health loan repayment program account created in RCW 28B.115.135 through June 30, 2027, and into the state general fund thereafter.

(b) The net proceeds of forfeited property is the value of the forfeitable interest in the property after deducting the cost of satisfying any bona fide security interest to which the property is subject at the time of seizure; and in the case of sold property, after deducting the cost of sale, including reasonable fees or commissions paid to independent selling agents, and the cost of any valid landlord's claim for damages under section 3 of this act.

(c) The value of sold forfeited property is the sale price. The value of retained forfeited property is the fair market value of the property at the time of seizure, determined when possible by reference to an applicable commonly used index, such as the index used by the department of licensing for valuation of motor vehicles. A seizing agency may use, but need not use, an independent qualified appraiser to determine the value of retained property. If an appraiser is used, the value of the property appraised is net of the cost of the appraisal. The value of destroyed property and retained firearms or illegal property is zero.

(2) Forfeited property and net proceeds not required to be paid to the state shall be retained by the seizing agency exclusively for the expansion and improvement of related enforcement activities. Money retained under this section may not be used to supplant preexisting funding sources.

Sec. 6. RCW 9.68A.120 and 2022 c 162 s 4 are each amended to read as follows:

The following are subject to seizure and forfeiture:

(1) All visual or printed matter that depicts a minor engaged in sexually explicit conduct.

(2) All raw materials, equipment, and other tangible personal property of any kind used or intended to be used to manufacture or process any visual or printed matter that depicts a minor engaged in sexually explicit conduct, and all conveyances, including aircraft, vehicles, or vessels that are used or intended for use to transport, or in any manner to facilitate the transportation of, visual or printed matter in violation of RCW 9.68A.050 or 9.68A.060, but:

(a) No conveyance used by any person as a common carrier in the transaction of business as a common carrier is subject to forfeiture under this section unless it appears that the owner or other person in charge of the conveyance is a consenting party or privy to a violation of this chapter;

(b) No property is subject to forfeiture under this section by reason of any act or omission ((~~established by the owner of the property to have been~~)) committed or omitted without the owner's knowledge or consent;

(c) A forfeiture of property encumbered by a bona fide security interest is subject to the interest of the secured party if the secured party neither had knowledge of nor consented to the act or omission; and

(d) When the owner of a conveyance has been arrested under this chapter the conveyance may not be subject to forfeiture unless it is seized or process is issued for its seizure within ten days of the owner's arrest.

(3) All personal property, moneys, negotiable instruments, securities, or other tangible or intangible property furnished or intended to be furnished by any person in exchange for visual or printed matter depicting a minor engaged in sexually explicit conduct, or constituting proceeds traceable to any violation of this chapter.

(4) Property subject to forfeiture under this chapter may be seized by any law enforcement officer of this state upon process issued by any superior court having jurisdiction over the property. Seizure without process may be made if:

(a) The seizure is incident to an arrest or a search under a search warrant or an inspection under an administrative inspection warrant;

(b) The property subject to seizure has been the subject of a prior judgment in favor of the state in a criminal injunction or forfeiture proceeding based upon this chapter;

(c) A law enforcement officer has probable cause to believe that the property is directly or indirectly dangerous to health or safety; or

(d) The law enforcement officer has probable cause to believe that the property was used or is intended to be used in violation of this chapter.

(5) In the event of seizure under subsection (4) of this section, proceedings for forfeiture ((~~shall be deemed commenced by the seizure. The law enforcement agency under whose authority the seizure was made shall cause notice to be served within fifteen days following the seizure on the owner of the property seized and the person in charge thereof and any person having any known right or interest therein, of the seizure and intended forfeiture of the seized property. The notice may be served by any method authorized by law or court rule including but not limited to service by certified mail with return receipt requested. Service by mail shall be deemed complete upon mailing within the fifteen day period following the seizure.~~

~~(6) If no person notifies the seizing law enforcement agency in writing of the person's claim of ownership or right to possession of seized items within forty-five days of the seizure, the item seized shall be deemed forfeited.~~

~~(7) If any person notifies the seizing law enforcement agency in writing of the person's claim of ownership or right to possession of seized items within forty-five days of the seizure, the person or persons shall be afforded a reasonable opportunity to be heard as to the claim or right. The hearing shall be before an administrative law judge appointed under chapter 34.12 RCW, except that any person asserting a claim or right may remove the matter to a court of competent jurisdiction if the aggregate value of the article or articles involved is more than five hundred dollars. The hearing before an administrative law judge and any appeal therefrom shall be under Title 34 RCW. In a court hearing between two or more claimants to the article or articles involved, the prevailing party shall be entitled to a judgment for costs and reasonable attorney's fees. The burden of producing evidence shall be upon the person claiming to be the lawful owner or the person claiming to have the lawful right to possession of the seized items. The seizing law enforcement agency shall promptly return the article or articles to the claimant upon a determination by the administrative law judge or court that the claimant is lawfully entitled to possession thereof of the seized items.~~

~~(8) If property is sought to be forfeited on the ground that it constitutes proceeds traceable to a violation of this chapter, the seizing law enforcement agency must prove by a preponderance of the evidence that the property constitutes proceeds traceable to a violation of this chapter.~~

~~(9) When property is forfeited under this chapter the seizing law enforcement agency may:~~

~~(a) Retain it for official use or upon application by any law enforcement agency of this state release the property to that~~

~~agency for the exclusive use of enforcing this chapter or chapter 9A.88 RCW;~~

~~(b) Sell that which is not required to be destroyed by law and which is not harmful to the public; or~~

~~(c) Request the appropriate sheriff or director of public safety to take custody of the property and remove it for disposition in accordance with law.~~

~~(10)(a) By January 31st of each year, each seizing agency shall remit to the state an amount equal to ten percent of the net proceeds of any property forfeited during the preceding calendar year. Money remitted shall be deposited in the prostitution prevention and intervention account under RCW 43.63A.740.~~

~~(b) The net proceeds of forfeited property is the value of the forfeitable interest in the property after deducting the cost of satisfying any bona fide security interest to which the property is subject at the time of seizure; and in the case of sold property, after deducting the cost of sale, including reasonable fees or commissions paid to an independent selling agency.~~

~~(c) The value of sold forfeited property is the sale price. The value of retained forfeited property is the fair market value of the property at the time of seizure determined when possible by reference to an applicable commonly used index. A seizing agency may use, but need not use, an independent qualified appraiser to determine the value of retained property. If an appraiser is used, the value of the property appraised is net of the cost of the appraisal. The value of destroyed property and retained firearms or illegal property is zero.~~

~~(11) Forfeited property and net proceeds not required to be remitted to the state under this chapter shall be used for payment of all proper expenses of the investigation leading to the seizure, including any money delivered to the subject of the investigation by the law enforcement agency, and of the proceedings for forfeiture and sale, including expenses of seizure, maintenance of custody, advertising, actual costs of the prosecuting or city attorney, and court costs. Money remaining after payment of these expenses shall be retained by the seizing law enforcement agency for the exclusive use of enforcing the provisions of this chapter or chapter 9A.88 RCW))are governed by chapter 7.--- RCW (the new chapter created in section 16 of this act).

Sec. 7. RCW 9A.88.150 and 2022 c 162 s 5 are each amended to read as follows:

(1) The following are subject to seizure and forfeiture and no property right exists in them:

(a) Any property or other interest acquired or maintained in violation of RCW 9.68A.100, 9.68A.101, or 9A.88.070 to the extent of the investment of funds, and any appreciation or income attributable to the investment, from a violation of RCW 9.68A.100, 9.68A.101, or 9A.88.070;

(b) All conveyances, including aircraft, vehicles, or vessels, which are used, or intended for use, in any manner to facilitate a violation of RCW 9.68A.100, 9.68A.101, or 9A.88.070, except that:

(i) No conveyance used by any person as a common carrier in the transaction of business as a common carrier is subject to forfeiture under this section unless it appears that the owner or other person in charge of the conveyance is a consenting party or privy to a violation of RCW 9.68A.100, 9.68A.101, or 9A.88.070;

(ii) No conveyance is subject to forfeiture under this section by reason of any act or omission ((~~established by the owner thereof to have been~~)) committed or omitted without the owner's knowledge or consent;

(iii) A forfeiture of a conveyance encumbered by a bona fide security interest is subject to the interest of the secured party if the secured party neither had knowledge of nor consented to the act or omission; and

(iv) When the owner of a conveyance has been arrested for a violation of RCW 9.68A.100, 9.68A.101, or 9A.88.070, the conveyance in which the person is arrested may not be subject to forfeiture unless it is seized or process is issued for its seizure within ten days of the owner's arrest;

(c) Any property, contractual right, or claim against property used to influence any enterprise that a person has established, operated, controlled, conducted, or participated in the conduct of, in violation of RCW 9.68A.100, 9.68A.101, or 9A.88.070;

(d) All proceeds traceable to or derived from an offense defined in RCW 9.68A.100, 9.68A.101, or 9A.88.070 and all moneys, negotiable instruments, securities, and other things of value significantly used or intended to be used significantly to facilitate commission of the offense;

(e) All books, records, and research products and materials, including formulas, microfilm, tapes, and data which are used, or intended for use, in violation of RCW 9.68A.100, 9.68A.101, or 9A.88.070;

(f) All moneys, negotiable instruments, securities, or other tangible or intangible property of value furnished or intended to be furnished by any person in exchange for a violation of RCW 9.68A.100, 9.68A.101, or 9A.88.070, all tangible or intangible personal property, proceeds, or assets acquired in whole or in part with proceeds traceable to an exchange or series of exchanges in violation of RCW 9.68A.100, 9.68A.101, or 9A.88.070, and all moneys, negotiable instruments, and securities used or intended to be used to facilitate any violation of RCW 9.68A.100, 9.68A.101, or 9A.88.070. A forfeiture of money, negotiable instruments, securities, or other tangible or intangible property encumbered by a bona fide security interest is subject to the interest of the secured party if, at the time the security interest was created, the secured party neither had knowledge of nor consented to the act or omission. No personal property may be forfeited under this subsection (1)(f), to the extent of the interest of an owner, by reason of any act or omission((~~, which that owner establishes was~~)) committed or omitted without the owner's knowledge or consent; and

(g) All real property, including any right, title, and interest in the whole of any lot or tract of land, and any appurtenances or improvements which are being used with the knowledge of the owner for a violation of RCW 9.68A.100, 9.68A.101, or 9A.88.070, or which have been acquired in whole or in part with proceeds traceable to an exchange or series of exchanges in violation of RCW 9.68A.100, 9.68A.101, or 9A.88.070, if a substantial nexus exists between the violation and the real property. However:

(i) No property may be forfeited pursuant to this subsection (1)(g), to the extent of the interest of an owner, by reason of any act or omission committed or omitted without the owner's knowledge or consent;

(ii) A forfeiture of real property encumbered by a bona fide security interest is subject to the interest of the secured party if the secured party, at the time the security interest was created, neither had knowledge of nor consented to the act or omission.

(2) Real or personal property subject to forfeiture under this section may be seized by any law enforcement officer of this state upon process issued by any superior court having jurisdiction over the property. Seizure of real property shall include the filing of a lis pendens by the seizing agency. Real property seized under this section shall not be transferred or otherwise conveyed until ninety days after seizure or until a judgment of forfeiture is entered, whichever is later: PROVIDED, That real property seized under this section may be transferred or conveyed to any person or entity who acquires title by foreclosure or deed in lieu of foreclosure of a security interest. Seizure of personal property without process may be made if:

(a) The seizure is incident to an arrest or a search under a search warrant;

(b) The property subject to seizure has been the subject of a prior judgment in favor of the state in a criminal injunction or forfeiture proceeding; or

(c) The law enforcement officer has probable cause to believe that the property was used or is intended to be used in violation of RCW 9.68A.100, 9.68A.101, or 9A.88.070.

(3) In the event of seizure pursuant to subsection (2) of this section, proceedings for forfeiture ((~~shall be deemed commenced by the seizure. The law enforcement agency under whose authority the seizure was made shall cause notice to be served within fifteen days following the seizure on the owner of the property seized and the person in charge thereof and any person having any known right or interest therein, including any community property interest, of the seizure and intended forfeiture of the seized property. Service of notice of seizure of real property shall be made according to the rules of civil procedure. However, the state may not obtain a default judgment with respect to real property against a party who is served by substituted service absent an affidavit stating that a good faith effort has been made to ascertain if the defaulted party is incarcerated within the state, and that there is no present basis to believe that the party is incarcerated within the state. Notice of seizure in the case of property subject to a security interest that has been perfected by filing a financing statement, or a certificate of title, shall be made by service upon the secured party or the secured party's assignee at the address shown on the financing statement or the certificate of title. The notice of seizure in other cases may be served by any method authorized by law or court rule including, but not limited to, service by certified mail with return receipt requested. Service by mail shall be deemed complete upon mailing within the fifteen day period following the seizure.~~

~~(4) If no person notifies the seizing law enforcement agency in writing of the person's claim of ownership or right to possession of items specified in subsection (1) of this section within forty-five days of the service of notice from the seizing agency in the case of personal property and ninety days in the case of real property, the item seized shall be deemed forfeited. The community property interest in real property of a person whose spouse or domestic partner committed a violation giving rise to seizure of the real property may not be forfeited if the person did not participate in the violation.~~

~~(5) If any person notifies the seizing law enforcement agency in writing of the person's claim of ownership or right to possession of items specified in subsection (1) of this section within forty-five days of the service of notice from the seizing agency in the case of personal property and ninety days in the case of real property, the person or persons shall be afforded a reasonable opportunity to be heard as to the claim or right. The notice of claim may be served by any method authorized by law or court rule including, but not limited to, service by first-class mail. Service by mail shall be deemed complete upon mailing within the forty-five day period following service of the notice of seizure in the case of personal property and within the ninety day period following service of the notice of seizure in the case of real property. The hearing shall be before the chief law enforcement officer of the seizing agency or the chief law enforcement officer's designee, except where the seizing agency is a state agency as defined in RCW 34.12.020(4), the hearing shall be before the chief law enforcement officer of the seizing agency or an administrative law judge appointed under chapter 34.12 RCW, except that any person asserting a claim or right may remove the matter to a court of competent jurisdiction. Removal of any matter involving personal property may only be accomplished according to the rules of civil procedure. The person seeking removal of the matter must serve process against the state, county, political subdivision, or municipality that operates the seizing agency, and any other party of interest, in accordance with RCW 4.28.080 or 4.92.020, within forty-five days after the person seeking removal has notified the seizing law enforcement agency of the person's claim of ownership or right to possession. The court~~

to which the matter is to be removed shall be the district court when the aggregate value of personal property is within the jurisdictional limit set forth in RCW 3.66.020. A hearing before the seizing agency and any appeal therefrom shall be under Title 34 RCW. In all cases, the burden of proof is upon the law enforcement agency to establish, by a preponderance of the evidence, that the property is subject to forfeiture.

The seizing law enforcement agency shall promptly return the article or articles to the claimant upon a determination by the administrative law judge or court that the claimant is the present lawful owner or is lawfully entitled to possession thereof of items specified in subsection (1) of this section.

(6) In any proceeding to forfeit property under this title, where the claimant substantially prevails, the claimant is entitled to reasonable attorneys' fees reasonably incurred by the claimant. In addition, in a court hearing between two or more claimants to the article or articles involved, the prevailing party is entitled to a judgment for costs and reasonable attorneys' fees.

(7) When property is forfeited under this chapter, the seizing law enforcement agency may:

(a) Retain it for official use or upon application by any law enforcement agency of this state release the property to that agency for the exclusive use of enforcing this chapter or chapter 9.68A RCW;

(b) Sell that which is not required to be destroyed by law and which is not harmful to the public; or

(c) Request the appropriate sheriff or director of public safety to take custody of the property and remove it for disposition in accordance with law.

(8)(a) When property is forfeited, the seizing agency shall keep a record indicating the identity of the prior owner, if known, a description of the property, the disposition of the property, the value of the property at the time of seizure, and the amount of proceeds realized from disposition of the property.

(b) Each seizing agency shall retain records of forfeited property for at least seven years.

(c) Each seizing agency shall file a report including a copy of the records of forfeited property with the state treasurer each calendar quarter.

(d) The quarterly report need not include a record of forfeited property that is still being held for use as evidence during the investigation or prosecution of a case or during the appeal from a conviction.

(9)(a) By January 31st of each year, each seizing agency shall remit to the state an amount equal to ten percent of the net proceeds of any property forfeited during the preceding calendar year. Money remitted shall be deposited in the prostitution prevention and intervention account under RCW 43.63A.740.

(b) The net proceeds of forfeited property is the value of the forfeitable interest in the property after deducting the cost of satisfying any bona fide security interest to which the property is subject at the time of seizure; and in the case of sold property, after deducting the cost of sale, including reasonable fees or commissions paid to independent selling agents, and the cost of any valid landlord's claim for damages under subsection (12) of this section.

(c) The value of sold forfeited property is the sale price. The value of destroyed property and retained firearms or illegal property is zero.

(10) Net proceeds not required to be remitted to the state shall be used for payment of all proper expenses of the investigation leading to the seizure, including any money delivered to the subject of the investigation by the law enforcement agency, and of the proceedings for forfeiture and sale, including expenses of seizure, maintenance of custody, advertising, actual costs of the prosecuting or city attorney, and court costs. Money remaining after payment of these expenses shall be retained by the seizing law enforcement agency for the exclusive use of enforcing the provisions of this chapter or chapter 9.68A RCW.

(11) Upon the entry of an order of forfeiture of real property, the court shall forward a copy of the order to the assessor of the county in which the property is located. Orders for the forfeiture of real property shall be entered by the superior court, subject to court rules. Such an order shall be filed by the seizing agency in the county auditor's records in the county in which the real property is located.

(12) A landlord may assert a claim against proceeds from the sale of assets seized and forfeited under subsection (9) of this section, only if:

(a) A law enforcement officer, while acting in his or her official capacity, directly caused damage to the complaining landlord's property while executing a search of a tenant's residence;

(b) The landlord has applied any funds remaining in the tenant's deposit, to which the landlord has a right under chapter 59.18 RCW, to cover the damage directly caused by a law enforcement officer prior to asserting a claim under the provisions of this section:

(i) Only if the funds applied under (b) of this subsection are insufficient to satisfy the damage directly caused by a law enforcement officer, may the landlord seek compensation for the damage by filing a claim against the governmental entity under whose authority the law enforcement agency operates within thirty days after the search;

(ii) Only if the governmental entity denies or fails to respond to the landlord's claim within sixty days of the date of filing, may the landlord collect damages under this subsection by filing within thirty days of denial or the expiration of the sixty day period, whichever occurs first, a claim with the seizing law enforcement agency. The seizing law enforcement agency must notify the landlord of the status of the claim by the end of the thirty day period. Nothing in this section

~~requires the claim to be paid by the end of the sixty day or thirty day period; and~~

~~(c) For any claim filed under (b) of this subsection, the law enforcement agency shall pay the claim unless the agency provides substantial proof that the landlord either:~~

~~(i) Knew or consented to actions of the tenant in violation of RCW 9.68A.100, 9.68A.101, or 9A.88.070; or~~

~~(ii) Failed to respond to a notification of the illegal activity, provided by a law enforcement agency under RCW 59.18.075, within seven days of receipt of notification of the illegal activity.~~

~~(13) The landlord's claim for damages under subsection (12) of this section may not include a claim for loss of business and is limited to:~~

~~(a) Damage to tangible property and clean-up costs;~~

~~(b) The lesser of the cost of repair or fair market value of the damage directly caused by a law enforcement officer;~~

~~(c) The proceeds from the sale of the specific tenant's property seized and forfeited under subsection (9) of this section; and~~

~~(d) The proceeds available after the seizing law enforcement agency satisfies any bona fide security interest in the tenant's property and costs related to sale of the tenant's property as provided by subsection (12) of this section.~~

~~(14) Subsections (12) and (13) of this section do not limit any other rights a landlord may have against a tenant to collect for damages. However, if a law enforcement agency satisfies a landlord's claim under subsection (12) of this section, the rights the landlord has against the tenant for damages directly caused by a law enforcement officer under the terms of the landlord and tenant's contract are subrogated to the law enforcement agency))~~are governed by chapter 7.--- RCW (the new chapter created in section 16 of this act).

Sec. 8. RCW 9A.83.030 and 2020 c 62 s 1 are each amended to read as follows:

(1) Proceeds traceable to or derived from specified unlawful activity or a violation of RCW 9A.83.020 are subject to seizure and forfeiture. The attorney general or county prosecuting attorney may file a civil action for the forfeiture of proceeds. Unless otherwise provided for under this section, no property rights exist in these proceeds. All right, title, and interest in the proceeds shall vest in the governmental entity of which the seizing law enforcement agency is a part upon commission of the act or omission giving rise to forfeiture under this section.

(2) Real or personal property subject to forfeiture under this chapter may be seized by any law enforcement officer of this state upon process issued by a superior court that has jurisdiction over the property. Any agency seizing real property shall file a lis pendens concerning the property. Real property seized under this section shall not be transferred or otherwise conveyed until ninety days after seizure or until a judgment of forfeiture is entered, whichever is later. Real property seized under this section may be transferred or conveyed to any person or entity who acquires title by foreclosure or deed in lieu of foreclosure of a security interest. Seizure of personal property without process may be made if:

(a) The seizure is incident to an arrest or a search under a search warrant or an inspection under an administrative inspection warrant issued pursuant to RCW 69.50.502; or

(b) The property subject to seizure has been the subject of a prior judgment in favor of the state in a criminal injunction or forfeiture proceeding based upon this chapter.

(3) A seizure under subsection (2) of this section commences proceedings for forfeiture pursuant to chapter 7.--- RCW (the new chapter created in section 16 of this act). ((~~The law enforcement agency under whose authority the seizure was made shall cause notice of the seizure and intended forfeiture of the seized proceeds to be served within fifteen days after the seizure on the owner of the property seized and the person in charge thereof and any person who has a known right or interest therein, including a community property interest. Service of notice of seizure of real property shall be made according to the rules of civil procedure. However, the state may not obtain a default judgment with respect to real property against a party who is served by substituted service absent an affidavit stating that a good faith effort has been made to ascertain if the defaulted party is incarcerated within the state, and that there is no present basis to believe that the party is incarcerated within the state. The notice of seizure in other cases may be served by any method authorized by law or court rule including but not limited to service by certified mail with return receipt requested. Service by mail is complete upon mailing within the fifteen-day period after the seizure.~~

~~(4) If no person notifies the seizing law enforcement agency in writing of the person's claim of ownership or right to possession of the property within forty-five days of the seizure in the case of personal property and ninety days in the case of real property, the property seized shall be deemed forfeited. The community property interest in real property of a person whose spouse or domestic partner committed a violation giving rise to seizure of the real property may not be forfeited if the person did not participate in the violation.~~

~~(5) If a person notifies the seizing law enforcement agency in writing of the person's claim of ownership or right to possession of property within forty-five days of the seizure in the case of personal property and ninety days in the case of real property, the person or persons shall be afforded a reasonable opportunity to be heard as to the claim or right. The provisions of RCW 69.50.505(5) shall apply to any such hearing. The seizing law enforcement agency shall promptly return property to the claimant upon the direction of the administrative law judge or court.~~

~~(6) Disposition of forfeited property shall be made in the manner provided for in~~

~~RCW 69.50.505 (8) through (10) and (14) or 9.46.231 (6) through (8) and (10).~~))

Sec. 9. RCW 10.105.010 and 2022 c 162 s 3 are each amended to read as follows:

(1) The following are subject to seizure and forfeiture and no property right exists in them: All personal property, including, but not limited to, any item, object, tool, substance, device, weapon, machine, vehicle of any kind, money, security, or negotiable instrument, which has been or was actually employed as an instrumentality in the commission of, or in aiding or abetting in the commission of any felony, or which was furnished or was intended to be furnished by any person in the commission of, as a result of, or as compensation for the commission of, any felony, or which was acquired in whole or in part with proceeds traceable to the commission of a felony. No property may be forfeited under this section until after there has been a superior court conviction of the owner of the property for the felony in connection with which the property was employed, furnished, or acquired.

A forfeiture of property encumbered by a bona fide security interest is subject to the interest of the secured party if at the time the security interest was created, the secured party neither had knowledge of nor consented to the commission of the felony.

(2) Personal property subject to forfeiture under this chapter may be seized by any law enforcement officer of this state upon process issued by any superior court having jurisdiction over the property. Seizure of personal property without process may be made if:

(a) The seizure is incident to an arrest or a search under a search warrant;

(b) The property subject to seizure has been the subject of a prior judgment in favor of the state in a criminal injunction or forfeiture proceeding;

(c) A law enforcement officer has probable cause to believe that the property is directly dangerous to health or safety; or

(d) The law enforcement officer has probable cause to believe that the property was used or is intended to be used in the commission of a felony.

(3) In the event of seizure pursuant to this section, proceedings for forfeiture ((~~shall be deemed commenced by the seizure. The law enforcement agency under whose authority the seizure was made shall cause notice to be served within fifteen days following the seizure on the owner of the property seized and the person in charge thereof and any person having any known right or interest therein, including any community property interest, of the seizure and intended forfeiture of the seized property. The notice of seizure may be served by any method authorized by law or court rule including but not limited to service by certified mail with return receipt requested. Service by mail shall be deemed complete upon mailing within the fifteen day period following the seizure. Notice of seizure in the case of property subject to a security interest that has been perfected by filing a financing statement in accordance with chapter 62A.9A RCW, or a certificate of title shall be made by service upon the secured party or the secured party's assignee at the address shown on the financing statement or the certificate of title.~~

~~(4) If no person notifies the seizing law enforcement agency in writing of the person's claim of ownership or right to possession of items specified in subsection (1) of this section within forty-five days of the seizure, the item seized shall be deemed forfeited.~~

~~(5) If a person notifies the seizing law enforcement agency in writing of the person's claim of ownership or right to possession of the seized property within forty-five days of the seizure, the law enforcement agency shall give the person or persons a reasonable opportunity to be heard as to the claim or right. The hearing shall be before the chief law enforcement officer of the seizing agency or the chief law enforcement officer's designee, except where the seizing agency is a state agency as defined in RCW 34.12.020(4), the hearing shall be before the chief law enforcement officer of the seizing agency or an administrative law judge appointed under chapter 34.12 RCW, except that any person asserting a claim or right may remove the matter to a court of competent jurisdiction. Removal may only be accomplished according to the rules of civil procedure. The person seeking removal of the matter must serve process against the state, county, political subdivision, or municipality that operates the seizing agency, and any other party of interest, in accordance with RCW 4.28.080 or 4.92.020, within forty-five days after the person seeking removal has notified the seizing law enforcement agency of the person's claim of ownership or right to possession. The court to which the matter is to be removed shall be the district court when the aggregate value of the property is within the jurisdictional limit set forth in RCW 3.66.020. A hearing before the seizing agency and any appeal therefrom shall be under Title 34 RCW. In a court hearing between two or more claimants to the property involved, the prevailing party shall be entitled to a judgment for costs and reasonable attorney's fees. The burden of producing evidence shall be upon the person claiming to be the lawful owner or the person claiming to have the lawful right to possession of the property. The seizing law enforcement agency shall promptly return the property to the claimant upon a determination by the administrative law judge or court that the claimant is the present lawful owner or is lawfully entitled to possession of the property.~~

~~(6) When property is forfeited under this chapter, after satisfying any court-ordered victim restitution, the seizing law enforcement agency may:~~

~~(a) Retain it for official use or upon application by any law enforcement agency of this state release such property to such agency for the exclusive use of enforcing the criminal law;~~

~~(b) Sell that which is not required to be destroyed by law and which is not harmful to the public.~~

~~(7) By January 31st of each year, each seizing agency shall remit to the state an amount equal to ten percent of the net proceeds of any property forfeited during the preceding calendar year for deposit into the behavioral health loan repayment program account created in RCW 28B.115.135 through June 30, 2027, and into the state general fund thereafter.~~

~~(a) The net proceeds of forfeited property is the value of the forfeitable interest in the property after deducting the cost of satisfying any bona fide security interest to which the property is subject at the time of seizure; and in the case of sold property, after deducting the cost of sale, including reasonable fees or commissions paid to independent selling agents.~~

~~(b) The value of sold forfeited property is the sale price. The value of retained forfeited property is the fair market value of the property at the time of seizure, determined when possible by reference to an applicable commonly used index, such as the index used by the department of licensing for valuation of motor vehicles. A seizing agency may use, but need not use, an independent qualified appraiser to determine the value of retained property. If an appraiser is used, the value of the property appraised is net of the cost of the appraisal. The value of destroyed property and retained firearms or illegal property is zero.~~

~~(c) Retained property and net proceeds not required to be remitted to the state, or otherwise required to be spent under this section, shall be retained by the seizing law enforcement agency exclusively for the expansion and improvement of law enforcement activity. Money retained under this section may not be used to supplant preexisting funding sources~~))are governed by chapter 7.--- RCW (the new chapter created in section 16 of this act).

(4) When property is seized under this chapter and forfeited pursuant to chapter 7.--- RCW (the new chapter created in section 16 of this act), the seizing agency must use or dispose of the property as permitted under section 4 of this act.

Sec. 10. RCW 19.290.230 and 2013 c 322 s 27 are each amended to read as follows:

(1) The following personal property is subject to seizure and forfeiture and no property right exists in them: All personal property including, but not limited to, any item, object, tool, substance, device, weapon, machine, vehicle of any kind, money, security, or negotiable instrument, which the seizing agency proves by ((~~a preponderance of the~~))clear, cogent, and convincing evidence was used or intended to be used by its owner or the person in charge to knowingly or intentionally facilitate the commission of, or to knowingly or intentionally abet the commission of, a crime involving theft, trafficking, or unlawful possession of commercial metal property, or which the seizing agency proves by ((~~a preponderance of the~~))clear, cogent, and convincing evidence was knowingly or intentionally furnished or was intended to be furnished by any person in the commission of, as a result of, or as compensation for the commission of, a crime involving theft, trafficking, or the unlawful possession of commercial metal property, or which the property owner acquired in whole or in part with proceeds traceable to a knowing or intentional commission of a crime involving the theft, trafficking, or unlawful possession of commercial metal property provided that such activity is not less than a class C felony; except that:

(a) No vehicle used by any person as a common carrier in the transaction of business as a common carrier is subject to forfeiture under this section unless the seizing agency proves by ((~~a preponderance of the~~))clear, cogent, and convincing evidence that the owner or other person in charge of the vehicle is a consenting party or is privy to any crime involving theft, trafficking, or the unlawful possession of commercial metal property;

(b) A forfeiture of property encumbered by a bona fide security interest is subject to the interest of the secured party if the secured party neither had actual or constructive knowledge of nor consented to the commission of any crime involving the theft, trafficking, or unlawful possession of commercial metal property; and

(c) A property owner's property is not subject to seizure if an employee or agent of that property owner uses the property owner's property to knowingly or intentionally facilitate the commission of, or to knowingly or intentionally aid and abet the commission of, a crime involving theft, trafficking, or unlawful possession of commercial metal property, in violation of that property owner's instructions or policies against such activity, and without the property owner's knowledge or consent.

(2) The following real property is subject to seizure and forfeiture and no property right exists in them: All real property, including any right, title, and interest in the whole of any lot or tract of land, and any appurtenances or improvements, that the seizing agency proves by ((~~a preponderance of the~~))clear, cogent, and convincing evidence are being used with the knowledge of the owner for the intentional commission of any crime involving the theft, trafficking, or unlawful possession of commercial metal property, or which have been acquired in whole or in part with proceeds traceable to the commission of any crime involving the trafficking, theft, or unlawful possession of commercial metal, if such activity is not less than a class C felony and a substantial nexus exists between the commission of the violation or crime and the real property. However:

(a) No property may be forfeited pursuant to this subsection (2), to the extent of the interest of an owner, by reason of any act or omission committed or omitted without the owner's actual or constructive knowledge; and further, a property owner's real property is not subject to seizure if an employee or agent of that property owner uses the property owner's real property to knowingly or intentionally facilitate the commission of, or to knowingly or intentionally aid and abet the commission of, a crime involving theft, trafficking, or

unlawful possession of commercial metal property, in violation of that property owner's instructions or policies against such activity, and without the property owner's knowledge or consent; and

(b) A forfeiture of real property encumbered by a bona fide security interest is subject to the interest of the secured party if the secured party, neither had actual or constructive knowledge, nor consented to the act or omission.

(3) Property subject to forfeiture under this chapter may be seized by any law enforcement officer of this state upon process issued by any superior court having jurisdiction over the property. Seizure of real property shall include the filing of a lis pendens by the seizing agency. Real property seized under this section shall not be transferred or otherwise conveyed until ninety days after seizure or until a judgment of forfeiture is entered, whichever is later: PROVIDED, That real property seized under this section may be transferred or conveyed to any person or entity who acquires title by foreclosure or deed in lieu of foreclosure of a security interest. Seizure of personal property without process may be made if:

(a) The seizure is incident to an arrest or a search under a search warrant; or

(b) The property subject to seizure has been the subject of a prior judgment in favor of the state in a criminal injunction or forfeiture proceeding.

(4) In the event of seizure pursuant to this section, proceedings for forfeiture ((~~shall be~~))are deemed commenced by the seizure and governed by chapter 7.--- RCW (the new chapter created in section 16 of this act). ((~~The law enforcement agency under whose authority the seizure was made shall cause notice to be served within fifteen days following the seizure on the owner of the property seized and the person in charge thereof and any person having any known right or interest therein, including any community property interest, of the seizure and intended forfeiture of the seized property. Service of notice of seizure of real property shall be made according to the rules of civil procedure. However, the state may not obtain a default judgment with respect to real property against a party who is served by substituted service absent an affidavit stating that a good faith effort has been made to ascertain if the defaulted party is incarcerated within the state, and that there is no present basis to believe that the party is incarcerated within the state. The notice of seizure of personal property may be served by any method authorized by law or court rule including but not limited to service by certified mail with return receipt requested. Service by mail shall be deemed complete upon mailing within the fifteen-day period following the seizure. Notice of seizure in the case of property subject to a security interest that has been perfected by filing a financing statement in accordance with chapter 62A.9A RCW, or a certificate of title shall be made by service upon the secured party or the secured party's assignee at the address shown on the financing statement or the certificate of title.~~

~~(5) If no person notifies the seizing law enforcement agency in writing of the person's claim of ownership or right to possession of items specified in subsection (1) of this section within forty-five days of the seizure in the case of personal property and ninety days in the case of real property, the item seized shall be deemed forfeited. The community property interest in real property of a person whose spouse or domestic partner committed a violation giving rise to seizure of the real property may not be forfeited if the person did not participate in the violation.~~

~~(6) If a person notifies the seizing law enforcement agency in writing of the person's claim of ownership or right to possession of the seized property within forty-five days of the seizure in the case of personal property and ninety days in the case of real property, the law enforcement agency shall give the person or persons a reasonable opportunity to be heard as to the claim or right. The hearing shall be before the chief law enforcement officer of the seizing agency or the chief law enforcement officer's designee, except where the seizing agency is a state agency as defined in RCW 34.12.020(4), the hearing shall be before the chief law enforcement officer of the seizing agency or an administrative law judge appointed under chapter 34.12 RCW, except that any person asserting a claim or right may remove the matter to a court of competent jurisdiction. Removal may only be accomplished according to the rules of civil procedure. The person seeking removal of the matter must serve process against the state, county, political subdivision, or municipality that operates the seizing agency, and any other party of interest, in accordance with RCW 4.28.080 or 4.92.020, within forty-five days after the person seeking removal has notified the seizing law enforcement agency of the person's claim of ownership or right to possession. The court to which the matter is to be removed shall be the district court when the aggregate value of the property is within the jurisdictional limit set forth in RCW 3.66.020. A hearing before the seizing agency and any appeal therefrom shall be under Title 34 RCW. In a court hearing between two or more claimants to the property involved, the prevailing party shall be entitled to a judgment for costs and reasonable attorneys' fees. The burden of producing evidence shall be upon the person claiming to be the lawful owner or the person claiming to have the lawful right to possession of the property.~~

~~(7) At the hearing, the seizing agency has the burden of proof to establish by a preponderance of the evidence that seized property is subject to forfeiture, and that the use or intended use of the seized property in connection with a crime pursuant to this section occurred with the owner's actual or constructive knowledge or consent. The person claiming to be the lawful owner or the person claiming to have the lawful right to possession of the property has the burden of proof to establish by a preponderance of the evidence that the~~

~~person owns or has a right to possess the seized property. The possession of bare legal title is not sufficient to establish ownership of seized property if the seizing agency proves by a preponderance of the evidence that the person claiming ownership or right to possession is a nominal owner and did not actually own or exert a controlling interest in the property.~~

~~The seizing law enforcement agency shall promptly return the property to the claimant upon a determination by the administrative law judge or court that the claimant is the present lawful owner or is lawfully entitled to possession of the property.~~

~~(8) When property is forfeited under this chapter, after satisfying any court-ordered victim restitution, the seizing law enforcement agency may:~~

~~(a) Retain it for official use or, upon application by any law enforcement agency of this state, release such property to such agency; or~~

~~(b) Sell that which is not required to be destroyed by law and which is not harmful to the public.~~

~~(9)(a) Within one hundred twenty days after the entry of an order of forfeiture, each seizing agency shall remit to, if known, the victim of the crime involving the seized property, an amount equal to fifty percent of the net proceeds of any property forfeited.~~

~~(b) Retained property and net proceeds not required to be paid to victims shall be retained by the seizing law enforcement agency exclusively for the expansion and improvement of law enforcement activity. Money retained under this section may not be used to supplant preexisting funding sources.~~

~~(c) The net proceeds of forfeited property is the value of the forfeitable interest in the property after deducting the cost of satisfying any bona fide security interest to which the property is subject at the time of seizure; and in the case of sold property, after deducting the cost of sale, including reasonable fees or commissions paid to independent selling agents, and the cost of any valid landlord's claim for damages.~~

~~(d) The value of sold forfeited property is the sale price. The value of retained forfeited property is the fair market value of the property at the time of seizure, determined when possible by reference to an applicable commonly used index, such as the index used by the department of licensing for valuation of motor vehicles. A seizing agency may use, but need not use, an independent qualified appraiser to determine the value of retained property. If an appraiser is used, the value of the property appraised is net of the cost of the appraisal. The value of destroyed property and retained firearms or illegal property is zero.~~

~~(10) Upon the entry of an order of forfeiture of real property, the court shall forward a copy of the order to the assessor of the county in which the property is located. Orders for the forfeiture of real property shall be entered by the superior court, subject to court rules. Such an order shall be filed by the seizing agency in the county auditor's records in the county in which the real property is located.~~))

(5)(a) When property is seized under this chapter and forfeited pursuant to chapter 7.--- RCW (the new chapter created in section 16 of this act), the seizing agency must use or dispose of the property as permitted under section 4 of this act.

(b) Within 120 days after the entry of an order of forfeiture, each seizing agency shall remit to, if known, the victim of the crime involving the seized property, an amount equal to 50 percent of the net proceeds of any property forfeited.

Sec. 11. RCW 46.61.5058 and 2022 c 162 s 2 are each amended to read as follows:

(1) Upon the arrest of a person or upon the filing of a complaint, citation, or information in a court of competent jurisdiction, based upon probable cause to believe that a person has violated RCW 46.20.740, 46.61.502, or 46.61.504 or any similar municipal ordinance, if such person has a prior offense within seven years as defined in RCW 46.61.5055, and where the person has been provided written notice that any transfer, sale, or encumbrance of such person's interest in the vehicle over which that person was actually driving or had physical control when the violation occurred, is unlawful pending either acquittal, dismissal, sixty days after conviction, or other termination of the charge, such person shall be prohibited from encumbering, selling, or transferring his or her interest in such vehicle, except as otherwise provided in (a), (b), and (c) of this subsection, until either acquittal, dismissal, sixty days after conviction, or other termination of the charge. The prohibition against transfer of title shall not be stayed pending the determination of an appeal from the conviction.

(a) A vehicle encumbered by a bona fide security interest may be transferred to the secured party or to a person designated by the secured party;

(b) A leased or rented vehicle may be transferred to the lessor, rental agency, or to a person designated by the lessor or rental agency; and

(c) A vehicle may be transferred to a third party or a vehicle dealer who is a bona fide purchaser or may be subject to a bona fide security interest in the vehicle unless it is established that (i) in the case of a purchase by a third party or vehicle dealer, such party or dealer had actual notice that the vehicle was subject to the prohibition prior to the purchase, or (ii) in the case of a security interest, the holder of the security interest had actual notice that the vehicle was subject to the prohibition prior to the encumbrance of title.

(2) On conviction for a violation of either RCW 46.20.740, 46.61.502, or 46.61.504 or any similar municipal ordinance where the person convicted has a prior offense within seven years as defined in RCW 46.61.5055, the motor vehicle the person was driving or over which the person had actual physical control at the time of the offense, if the person has a financial interest in

the vehicle, the court shall consider at sentencing whether the vehicle shall be seized and forfeited pursuant to this section if a seizure or forfeiture has not yet occurred.

(3) A vehicle subject to forfeiture under this chapter may be seized by a law enforcement officer of this state upon process issued by a court of competent jurisdiction. Seizure of a vehicle may be made without process if the vehicle subject to seizure has been the subject of a prior judgment in favor of the state in a forfeiture proceeding based upon this section.

(4) Seizure under subsection (3) of this section automatically commences proceedings for forfeiture, which proceedings are governed by chapter 7.--- RCW (the new chapter created in section 16 of this act). ((~~The law enforcement agency under whose authority the seizure was made shall cause notice of the seizure and intended forfeiture of the seized vehicle to be served within fifteen days after the seizure on the owner of the vehicle seized, on the person in charge of the vehicle, and on any person having a known right or interest in the vehicle, including a community property interest. The notice of seizure may be served by any method authorized by law or court rule, including but not limited to service by certified mail with return receipt requested. Service by mail is complete upon mailing within the fifteen-day period after the seizure. Notice of seizure in the case of property subject to a security interest that has been perfected on a certificate of title shall be made by service upon the secured party or the secured party's assignee at the address shown on the financing statement or the certificate of title.~~

~~(5) If no person notifies the seizing law enforcement agency in writing of the person's claim of ownership or right to possession of the seized vehicle within forty-five days of the seizure, the vehicle is deemed forfeited.~~

~~(6) If a person notifies the seizing law enforcement agency in writing of the person's claim of ownership or right to possession of the seized vehicle within forty-five days of the seizure, the law enforcement agency shall give the person or persons a reasonable opportunity to be heard as to the claim or right. The hearing shall be before the chief law enforcement officer of the seizing agency or the chief law enforcement officer's designee, except where the seizing agency is a state agency as defined in RCW 34.12.020, the hearing shall be before the chief law enforcement officer of the seizing agency or an administrative law judge appointed under chapter 34.12 RCW, except that any person asserting a claim or right may remove the matter to a court of competent jurisdiction. Removal may only be accomplished according to the rules of civil procedure. The person seeking removal of the matter must serve process against the state, county, political subdivision, or municipality that operates the seizing agency, and any other party of interest, in accordance with RCW 4.28.080 or 4.92.020, within forty-five days after the person seeking removal has notified the seizing law enforcement agency of the person's claim of ownership or right to possession. The court to which the matter is to be removed shall be the district court when the aggregate value of the vehicle is within the jurisdictional limit set forth in RCW 3.66.020. A hearing before the seizing agency and any appeal therefrom shall be under Title 34 RCW. In a court hearing between two or more claimants to the vehicle involved, the prevailing party shall be entitled to a judgment for costs and reasonable attorneys' fees. The burden of producing evidence shall be upon the person claiming to be the legal owner or the person claiming to have the lawful right to possession of the vehicle. The seizing law enforcement agency shall promptly return the vehicle to the claimant upon a determination by the administrative law judge or court that the claimant is the present legal owner under this title or is lawfully entitled to possession of the vehicle.~~

~~(7)~~))(5) When a vehicle is forfeited under this chapter the seizing law enforcement agency may sell the vehicle, retain it for official use, or upon application by a law enforcement agency of this state release the vehicle to that agency for the exclusive use of enforcing this title; provided, however, that the agency shall first satisfy any bona fide security interest to which the vehicle is subject under subsection (1)(a) or (c) of this section.

((~~(8)~~))(6) When a vehicle is forfeited, the seizing agency shall keep a record indicating the identity of the prior owner, if known, a description of the vehicle, the disposition of the vehicle, the value of the vehicle at the time of seizure, and the amount of proceeds realized from disposition of the vehicle.

((~~(9)~~))(7) Each seizing agency shall retain records of forfeited vehicles for at least seven years.

((~~(10) Each seizing agency shall file a report including a copy of the records of forfeited vehicles with the state treasurer each calendar quarter.~~

~~(11) The quarterly report need not include a record of a forfeited vehicle that is still being held for use as evidence during the investigation or prosecution of a case or during the appeal from a conviction.~~

~~(12) By January 31st of each year, each seizing agency shall remit to the state an amount equal to ten percent of the net proceeds of vehicles forfeited during the preceding calendar year for deposit into the behavioral health loan repayment program account created in RCW 28B.115.135 through June 30, 2027, and into the state general fund thereafter.~~

~~(13) The net proceeds of a forfeited vehicle is the value of the forfeitable interest in the vehicle after deducting the cost of satisfying a bona fide security interest to which the vehicle is subject at the time of seizure; and in the case of a sold vehicle, after deducting the cost of sale, including reasonable fees or commissions paid to independent selling agents.~~

~~(14) The value of a sold forfeited vehicle is the sale price. The value of a retained forfeited vehicle is the fair market value of the vehicle at the time of seizure, determined when possible by reference to an applicable commonly used index, such as the index used by the department of licensing. A seizing agency may, but need not, use an independent qualified appraiser to determine the value of retained vehicles. If an appraiser is used, the value of the vehicle appraised is net of the cost of the appraisal.~~))

Sec. 12. RCW 70.74.400 and 2002 c 370 s 3 are each amended to read as follows:

(1) Explosives, improvised devices, and components of explosives and improvised devices that are possessed, manufactured, delivered, imported, exported, stored, sold, purchased, transported, abandoned, detonated, or used, or intended to be used, in violation of a provision of this chapter are subject to seizure and forfeiture by a law enforcement agency and no property right exists in them.

(2) The law enforcement agency making the seizure shall notify the Washington state department of labor and industries of the seizure.

(3) Seizure of explosives, improvised devices, and components of explosives and improvised devices under subsection (1) of this section may be made if:

(a) The seizure is incident to arrest or a search under a search warrant;

(b) The explosives, improvised devices, or components have been the subject of a prior judgment in favor of the state in an injunction or forfeiture proceeding based upon this chapter;

(c) A law enforcement officer has probable cause to believe that the explosives, improvised devices, or components are directly or indirectly dangerous to health or safety; or

(d) The law enforcement officer has probable cause to believe that the explosives, improvised devices, or components were used or were intended to be used in violation of this chapter.

(4) A law enforcement agency shall destroy explosives seized under this chapter when it is necessary to protect the public safety and welfare. When destruction is not necessary to protect the public safety and welfare, and the explosives are not being held for evidence, a seizure pursuant to this section commences proceedings for forfeiture, which proceedings are governed by chapter 7.--- RCW (the new chapter created in section 16 of this act).

(5) ((~~The law enforcement agency under whose authority the seizure was made shall issue a written notice of the seizure and commencement of the forfeiture proceedings to the person from whom the explosives were seized, to any known owner of the explosives, and to any person who has a known interest in the explosives. The notice shall be issued within fifteen days of the seizure. The notice of seizure and commencement of the forfeiture proceedings shall be served in the same manner as provided in RCW 4.28.080 for service of a summons. The law enforcement agency shall provide a form by which the person or persons may request a hearing before the law enforcement agency to contest the seizure.~~

~~(6) If no person notifies the seizing law enforcement agency in writing of the person's claim of ownership or right to possession of the explosives, improvised devices, or components within thirty days of the date the notice was issued, the seized explosives, devices, or components shall be deemed forfeited.~~

~~(7) If, within thirty days of the issuance of the notice, any person notifies the seizing law enforcement agency in writing of the person's claim of ownership or right to possession of items seized, the person or persons shall be afforded a reasonable opportunity to be heard as to the claim or right. The hearing shall be before the chief law enforcement or the officer's designee of the seizing agency, except that the person asserting the claim or right may remove the matter to a court of competent jurisdiction if the aggregate value of the items seized is more than five hundred dollars. The hearing and any appeal shall be conducted according to chapter 34.05 RCW. The seizing law enforcement agency shall bear the burden of proving that the person (a) has no lawful right of ownership or possession and (b) that the items seized were possessed, manufactured, stored, sold, purchased, transported, abandoned, detonated, or used in violation of a provision of this chapter with the person's knowledge or consent.~~

~~(8) The seizing law enforcement agency shall promptly return the items seized to the claimant upon a determination that the claimant is entitled to possession of the items seized.~~

~~(9)~~)) If the items seized are forfeited under this statute, the seizing agency shall dispose of the explosives by summary destruction. However, when explosives are destroyed either to protect public safety or because the explosives were forfeited, the person from whom the explosives were seized loses all rights of action against the law enforcement agency or its employees acting within the scope of their employment, or other governmental entity or employee involved with the seizure and destruction of explosives.

((~~(10)~~))(6) This section is not intended to change the seizure and forfeiture powers, enforcement, and penalties available to the department of labor and industries pursuant to chapter 49.17 RCW as provided in RCW 70.74.390.

Sec. 13. RCW 77.15.070 and 2005 c 406 s 2 are each amended to read as follows:

(1) Fish and wildlife officers and ex officio fish and wildlife officers may seize without warrant boats, airplanes, vehicles, motorized implements, conveyances, gear, appliances, or other articles they have probable cause to believe have been held with intent to violate or used in violation of this title or rule of the commission or director. However, fish and wildlife officers or ex officio fish and wildlife officers may not seize any item or article,

other than for evidence, if under the circumstances, it is reasonable to conclude that the violation was inadvertent. The property seized is subject to forfeiture to the state under this section regardless of ownership. ((~~Property~~))Upon consent of the department, property seized may be recovered by its owner by depositing with the department or into court a cash bond or equivalent security equal to the value of the seized property but not more than one hundred thousand dollars. Such cash bond or security is subject to forfeiture in lieu of the property. Forfeiture of property seized under this section is a civil forfeiture against property and is intended to be a remedial civil sanction.

(2) In the event of a seizure of property under this section, jurisdiction to begin the forfeiture proceedings shall commence upon ((~~seizure~~))mailing of a notice of intent to forfeit, and shall be governed by chapter 7.--- RCW (the new chapter created in section 16 of this act). ((~~Within fifteen days following the seizure, the seizing authority shall serve a written notice of intent to forfeit property on the owner of the property seized and on any person having any known right or interest in the property seized. Notice may be served by any method authorized by law or court rule, including service by certified mail with return receipt requested. Service by mail is deemed complete upon mailing within the fifteen-day period following the seizure.~~

~~(3) Persons claiming a right of ownership or right to possession of property are entitled to a hearing to contest forfeiture. Such a claim shall specify the claim of ownership or possession and shall be made in writing and served on the director within forty-five days of the seizure. If the seizing authority has complied with notice requirements and there is no claim made within forty-five days, then the property shall be forfeited to the state.~~

~~(4) If any person timely serves the director with a claim to property, the person shall be afforded an opportunity to be heard as to the person's claim or right. The hearing shall be before the director or director's designee, or before an administrative law judge appointed under chapter 34.12 RCW, except that a person asserting a claim or right may remove the matter to a court of competent jurisdiction if the aggregate value of the property seized is more than five thousand dollars. The department may settle a person's claim of ownership prior to the administrative hearing.~~

~~(5) The hearing to contest forfeiture and any subsequent appeal shall be as provided for in chapter 34.05 RCW, the administrative procedure act. The seizing authority has the burden to demonstrate that it had reason to believe the property was held with intent to violate or was used in violation of this title or rule of the commission or director. The person contesting forfeiture has the burden of production and proof by a preponderance of evidence that the person owns or has a right to possess the property and:~~

~~(a) That the property was not held with intent to violate or used in violation of this title; or~~

~~(b) If the property is a boat, airplane, or vehicle, that the illegal use or planned illegal use of the boat, airplane, or vehicle occurred without the owner's knowledge or consent, and that the owner acted reasonably to prevent illegal uses of such boat, airplane, or vehicle.~~

~~(6) A forfeiture of a conveyance encumbered by a perfected security interest is subject to the interest of the secured party if the secured party neither had knowledge of nor consented to the act or omission. No security interest in seized property may be perfected after seizure.~~

~~(7)~~))(3) If seized property is forfeited under this section the department may retain it for official use unless the property is required to be destroyed, or upon application by any law enforcement agency of the state, release such property to the agency for the use of enforcing this title, or sell such property, and deposit the proceeds to the fish and wildlife enforcement reward account created in RCW 77.15.425.

Sec. 14. RCW 69.50.505 and 2022 c 162 s 1 and 2022 c 16 s 98 are each reenacted and amended to read as follows:

(1) The following are subject to seizure and forfeiture and no property right exists in them:

(a) All controlled substances which have been manufactured, distributed, dispensed, acquired, or possessed in violation of this chapter or chapter 69.41 or 69.52 RCW, and all hazardous chemicals, as defined in RCW 64.44.010, used or intended to be used in the manufacture of controlled substances;

(b) All raw materials, products, and equipment of any kind which are used, or intended for use, in manufacturing, compounding, processing, delivering, importing, or exporting any controlled substance in violation of this chapter or chapter 69.41 or 69.52 RCW;

(c) All property which is used, or intended for use, as a container for property described in (a) or (b) of this subsection;

(d) All conveyances, including aircraft, vehicles, or vessels, which are used, or intended for use, in any manner to facilitate the sale, delivery, or receipt of property described in (a) or (b) of this subsection, except that:

(i) No conveyance used by any person as a common carrier in the transaction of business as a common carrier is subject to forfeiture under this section unless it appears that the owner or other person in charge of the conveyance is a consenting party or privy to a violation of this chapter or chapter 69.41 or 69.52 RCW;

(ii) No conveyance is subject to forfeiture under this section by reason of any act or omission ((~~established by the owner thereof to have been~~)) committed or omitted without the owner's knowledge or consent;

(iii) No conveyance is subject to forfeiture under this section if used in the

receipt of only an amount of cannabis for which possession constitutes a misdemeanor under RCW 69.50.4014;

(iv) A forfeiture of a conveyance encumbered by a bona fide security interest is subject to the interest of the secured party if the secured party neither had knowledge of nor consented to the act or omission; and

(v) When the owner of a conveyance has been arrested under this chapter or chapter 69.41 or 69.52 RCW the conveyance in which the person is arrested may not be subject to forfeiture unless it is seized or process is issued for its seizure within ten days of the owner's arrest;

(e) All books, records, and research products and materials, including formulas, microfilm, tapes, and data which are used, or intended for use, in violation of this chapter or chapter 69.41 or 69.52 RCW;

(f) All drug paraphernalia other than paraphernalia possessed, sold, or used solely to facilitate cannabis-related activities that are not violations of this chapter;

(g) All moneys, negotiable instruments, securities, or other tangible or intangible property of value furnished or intended to be furnished by any person in exchange for a controlled substance in violation of this chapter or chapter 69.41 or 69.52 RCW, all tangible or intangible personal property, proceeds, or assets acquired in whole or in part with proceeds traceable to an exchange or series of exchanges in violation of this chapter or chapter 69.41 or 69.52 RCW, and all moneys, negotiable instruments, and securities used or intended to be used to facilitate any violation of this chapter or chapter 69.41 or 69.52 RCW. A forfeiture of money, negotiable instruments, securities, or other tangible or intangible property encumbered by a bona fide security interest is subject to the interest of the secured party if, at the time the security interest was created, the secured party neither had knowledge of nor consented to the act or omission. No personal property may be forfeited under this subsection (1)(g), to the extent of the interest of an owner, by reason of any act or omission ((~~which that owner establishes was~~)) committed or omitted without the owner's knowledge or consent; and

(h) All real property, including any right, title, and interest in the whole of any lot or tract of land, and any appurtenances or improvements which are being used with the knowledge of the owner for the manufacturing, compounding, processing, delivery, importing, or exporting of any controlled substance, or which have been acquired in whole or in part with proceeds traceable to an exchange or series of exchanges in violation of this chapter or chapter 69.41 or 69.52 RCW, if such activity is not less than a class C felony and a substantial nexus exists between the commercial production or sale of the controlled substance and the real property. However:

(i) No property may be forfeited pursuant to this subsection (1)(h), to the extent of the interest of an owner, by reason of any act or omission committed or omitted without the owner's knowledge or consent;

(ii) The bona fide gift of a controlled substance, legend drug, or imitation controlled substance shall not result in the forfeiture of real property;

(iii) The possession of cannabis shall not result in the forfeiture of real property unless the cannabis is possessed for commercial purposes that are unlawful under Washington state law, the amount possessed is five or more plants or one pound or more of cannabis, and a substantial nexus exists between the possession of cannabis and the real property. In such a case, the intent of the offender shall be determined by ((~~the preponderance of the~~))clear, cogent, and convincing evidence, including the offender's prior criminal history, the amount of cannabis possessed by the offender, the sophistication of the activity or equipment used by the offender, whether the offender was licensed to produce, process, or sell cannabis, or was an employee of a licensed producer, processor, or retailer, and other evidence which demonstrates the offender's intent to engage in unlawful commercial activity;

(iv) The unlawful sale of cannabis or a legend drug shall not result in the forfeiture of real property unless the sale was forty grams or more in the case of cannabis or one hundred dollars or more in the case of a legend drug, and a substantial nexus exists between the unlawful sale and the real property; and

(v) A forfeiture of real property encumbered by a bona fide security interest is subject to the interest of the secured party if the secured party, at the time the security interest was created, neither had knowledge of nor consented to the act or omission.

(2) Real or personal property subject to forfeiture under this chapter may be seized by any commission inspector or law enforcement officer of this state upon process issued by any superior court having jurisdiction over the property. Seizure of real property shall include the filing of a lis pendens by the seizing agency. Real property seized under this section shall not be transferred or otherwise conveyed until ninety days after seizure or until a judgment of forfeiture is entered, whichever is later: PROVIDED, That real property seized under this section may be transferred or conveyed to any person or entity who acquires title by foreclosure or deed in lieu of foreclosure of a security interest. Seizure of personal property without process may be made if:

(a) The seizure is incident to an arrest or a search under a search warrant or an inspection under an administrative inspection warrant;

(b) The property subject to seizure has been the subject of a prior judgment in favor of the state in a criminal injunction or forfeiture proceeding based upon this chapter;

(c) A commission inspector or law enforcement officer has probable cause to believe that the property is directly or indirectly dangerous to health or safety; or

(d) The commission inspector or law enforcement officer has probable cause to believe that the property was used or is intended to be used in violation of this chapter.

(3) In the event of seizure pursuant to subsection (2) of this section, proceedings for forfeiture shall be deemed commenced by the seizure. The law enforcement agency under whose authority the seizure was made shall cause notice to be served within fifteen days following the seizure on the owner of the property seized and the person in charge thereof and any person having any known right or interest therein, including any community property interest, of the seizure and intended forfeiture of the seized property. Service of notice of seizure of real property shall be made according to the rules of civil procedure. However, the state may not obtain a default judgment with respect to real property against a party who is served by substituted service absent an affidavit stating that a good faith effort has been made to ascertain if the defaulted party is incarcerated within the state, and that there is no present basis to believe that the party is incarcerated within the state. Notice of seizure in the case of property subject to a security interest that has been perfected by filing a financing statement in accordance with chapter 62A.9A RCW, or a certificate of title, shall be made by service upon the secured party or the secured party's assignee at the address shown on the financing statement or the certificate of title. The notice of seizure in other cases may be served by any method authorized by law or court rule including but not limited to service by certified mail with return receipt requested. Service by mail shall be deemed complete upon mailing within the fifteen day period following the seizure.

(4) If no person notifies the seizing law enforcement agency in writing of the person's claim of ownership or right to possession of items specified in subsection (1)(d), (g), or (h) of this section within ((~~forty-five~~))60 days of the service of notice from the seizing agency in the case of personal property and ((~~ninety~~))120 days in the case of real property, the item seized shall be deemed forfeited. The community property interest in real property of a person whose spouse or domestic partner committed a violation giving rise to seizure of the real property may not be forfeited if the person did not participate in the violation.

(5) If any person notifies the seizing law enforcement agency in writing of the person's claim of ownership or right to possession of items specified in subsection (1)(b), (c), (d), (e), (f), (g), or (h) of this section within ((~~forty-five~~))60 days of the service of notice from the seizing agency in the case of personal property and ((~~ninety~~))120 days in the case of real property, the person or persons shall be afforded a reasonable opportunity to be heard as to the claim or right. The notice of claim may be served by any method authorized by law or court rule including, but not limited to, service by first-class mail. Service by mail shall be deemed complete upon mailing within the ((~~forty-five~~))60-day period following service of the notice of seizure in the case of personal property and within the ((~~ninety-day~~))120-day period following service of the notice of seizure in the case of real property. The hearing shall be before the chief law enforcement officer of the seizing agency or the chief law enforcement officer's designee, except where the seizing agency is a state agency as defined in RCW 34.12.020(4), the hearing shall be before the chief law enforcement officer of the seizing agency or an administrative law judge appointed under chapter 34.12 RCW, except that any person asserting a claim or right may remove the matter to a court of competent jurisdiction. Removal of any matter involving personal property may only be accomplished according to the rules of civil procedure. The person seeking removal of the matter must serve process against the state, county, political subdivision, or municipality that operates the seizing agency, and any other party of interest, in accordance with RCW 4.28.080 or 4.92.020, within forty-five days after the person seeking removal has notified the seizing law enforcement agency of the person's claim of ownership or right to possession. The court to which the matter is to be removed shall be the district court, or the municipal court for the jurisdiction in which the property was seized, when the aggregate value of personal property is within the jurisdictional limit set forth in RCW 3.66.020. A hearing before the seizing agency and any appeal therefrom shall be under Title 34 RCW. In all cases, the burden of proof is upon the law enforcement agency to establish, by ((~~a preponderance of the~~))clear, cogent, and convincing evidence, that the property is subject to forfeiture.

The seizing law enforcement agency shall promptly return the article or articles to the claimant, in a substantially similar condition as when seized, upon a determination by the administrative law judge or court that the claimant is the present lawful owner or is lawfully entitled to possession thereof of items specified in subsection (1)(b), (c), (d), (e), (f), (g), or (h) of this section.

(6) In any proceeding to forfeit property under this title, where the claimant substantially prevails, the claimant is entitled to reasonable attorneys' fees reasonably incurred by the claimant. In addition, in a court hearing between two or more claimants to the article or articles involved, the prevailing party is entitled to a judgment for costs and reasonable attorneys' fees.

(7) When property is forfeited under this chapter the commission or seizing law enforcement agency may:

(a) Retain it for official use or upon application by any law enforcement agency of this state release such property to such agency for the exclusive use of enforcing the provisions of this chapter;

(b) Sell that which is not required to be destroyed by law and which is not harmful to the public;

(c) Request the appropriate sheriff or director of public safety to take custody of

the property and remove it for disposition in accordance with law; or

(d) Forward it to the drug enforcement administration for disposition.

(8)((~~(a) When property is forfeited, the seizing agency shall keep a record indicating the identity of the prior owner, if known, a description of the property, the disposition of the property, the value of the property at the time of seizure, and the amount of proceeds realized from disposition of the property.~~

~~(b) Each seizing agency shall retain records of forfeited property for at least seven years.~~

~~(c) Each seizing agency shall file a report including a copy of the records of forfeited property with the state treasurer each calendar quarter.~~

~~(d) The quarterly report need not include a record of forfeited property that is still being held for use as evidence during the investigation or prosecution of a case or during the appeal from a conviction.~~))Seizing agencies are subject to the requirements of section 4 of this act.

(9)(a) By January 31st of each year, each seizing agency shall remit to the state an amount equal to ten percent of the net proceeds of any property forfeited during the preceding calendar year for deposit into the behavioral health loan repayment and scholarship program account created in RCW 28B.115.135 through June 30, 2027, and into the state general fund thereafter.

(b) The net proceeds of forfeited property is the value of the forfeitable interest in the property after deducting the cost of satisfying any bona fide security interest to which the property is subject at the time of seizure; and in the case of sold property, after deducting the cost of sale, including reasonable fees or commissions paid to independent selling agents, and the cost of any valid landlord's claim for damages under subsection (15) of this section.

(c) The value of sold forfeited property is the sale price. The value of retained forfeited property is the fair market value of the property at the time of seizure, determined when possible by reference to an applicable commonly used index, such as the index used by the department of licensing for valuation of motor vehicles. A seizing agency may use, but need not use, an independent qualified appraiser to determine the value of retained property. If an appraiser is used, the value of the property appraised is net of the cost of the appraisal. The value of destroyed property and retained firearms or illegal property is zero.

(10) Forfeited property and net proceeds not required to be remitted to the state shall be retained by the seizing law enforcement agency exclusively for the expansion and improvement of controlled substances related law enforcement activity. If the seizing agency is a port district operating an airport in a county with a population of more than one million, it may use the net proceeds not required to be remitted to the state for purposes related to controlled substances law enforcement, substance abuse education, human trafficking interdiction, and responsible gun ownership. Money retained under this section may not be used to supplant preexisting funding sources.

(11) Controlled substances listed in Schedule I, II, III, IV, and V that are possessed, transferred, sold, or offered for sale in violation of this chapter are contraband and shall be seized and summarily forfeited to the state. Controlled substances listed in Schedule I, II, III, IV, and V, which are seized or come into the possession of the commission, the owners of which are unknown, are contraband and shall be summarily forfeited to the commission.

(12) Species of plants from which controlled substances in Schedules I and II may be derived which have been planted or cultivated in violation of this chapter, or of which the owners or cultivators are unknown, or which are wild growths, may be seized and summarily forfeited to the commission.

(13) The failure, upon demand by a commission inspector or law enforcement officer, of the person in occupancy or in control of land or premises upon which the species of plants are growing or being stored to produce an appropriate registration or proof that he or she is the holder thereof constitutes authority for the seizure and forfeiture of the plants.

(14) Upon the entry of an order of forfeiture of real property, the court shall forward a copy of the order to the assessor of the county in which the property is located. Orders for the forfeiture of real property shall be entered by the superior court, subject to court rules. Such an order shall be filed by the seizing agency in the county auditor's records in the county in which the real property is located.

(15)(a) A landlord may assert a claim against proceeds from the sale of assets seized and forfeited under subsection (7)(b) of this section, only if:

(i) A law enforcement officer, while acting in his or her official capacity, directly caused damage to the complaining landlord's property while executing a search of a tenant's residence; and

(ii) The landlord has applied any funds remaining in the tenant's deposit, to which the landlord has a right under chapter 59.18 RCW, to cover the damage directly caused by a law enforcement officer prior to asserting a claim under the provisions of this section;

(A) Only if the funds applied under (a)(ii) of this subsection are insufficient to satisfy the damage directly caused by a law enforcement officer, may the landlord seek compensation for the damage by filing a claim against the governmental entity under whose authority the law enforcement agency operates within thirty days after the search;

(B) Only if the governmental entity denies or fails to respond to the landlord's claim within sixty days of the date of filing, may the landlord collect damages under this subsection by filing within thirty days of denial or the expiration of the sixty-day period, whichever occurs first, a claim with the seizing law enforcement agency. The seizing law

enforcement agency must notify the landlord of the status of the claim by the end of the thirty-day period. Nothing in this section requires the claim to be paid by the end of the sixty-day or thirty-day period.

(b) For any claim filed under (a)(ii) of this subsection, the law enforcement agency shall pay the claim unless the agency provides substantial proof that the landlord either:

(i) Knew or consented to actions of the tenant in violation of this chapter or chapter 69.41 or 69.52 RCW; or

(ii) Failed to respond to a notification of the illegal activity, provided by a law enforcement agency under RCW 59.18.075, within seven days of receipt of notification of the illegal activity.

(16) The landlord's claim for damages under subsection (15) of this section may not include a claim for loss of business and is limited to:

(a) Damage to tangible property and clean-up costs;

(b) The lesser of the cost of repair or fair market value of the damage directly caused by a law enforcement officer;

(c) The proceeds from the sale of the specific tenant's property seized and forfeited under subsection (7)(b) of this section; and

(d) The proceeds available after the seizing law enforcement agency satisfies any bona fide security interest in the tenant's property and costs related to sale of the tenant's property as provided by subsection (9)(b) of this section.

(17) Subsections (15) and (16) of this section do not limit any other rights a landlord may have against a tenant to collect for damages. However, if a law enforcement agency satisfies a landlord's claim under subsection (15) of this section, the rights the landlord has against the tenant for damages directly caused by a law enforcement officer under the terms of the landlord and tenant's contract are subrogated to the law enforcement agency.

(18) The protections afforded by the service members' civil relief act, chapter 38.42 RCW, are applicable to proceedings under this section.

Sec. 15. RCW 38.42.020 and 2014 c 65 s 2 are each amended to read as follows:

(1) Any service member who is ordered to report for military service and his or her dependents are entitled to the rights and protections of this chapter during the period beginning on the date on which the service member receives the order and ending one hundred eighty days after termination of or release from military service.

(2) This chapter applies to any judicial or administrative proceeding commenced in any court or agency in Washington state in which a service member or his or her dependent is a party. This chapter applies to civil asset forfeiture proceedings. This chapter does not apply to criminal proceedings.

(3) This chapter shall be construed liberally so as to provide fairness and do substantial justice to service members and their dependents.

NEW SECTION. **Sec. 16.** Sections 1 through 5 of this act constitute a new chapter in Title 7 RCW.

NEW SECTION. **Sec. 17.** This act applies to seizures occurring on or after the effective date of this section.

NEW SECTION. **Sec. 18.** This act takes effect January 1, 2026."

On page 1, line 2 of the title, after "reporting;" strike the remainder of the title and insert "amending RCW 9.68A.120, 9A.88.150, 9A.83.030, 10.105.010, 19.290.230, 46.61.5058, 70.74.400, 77.15.070, and 38.42.020; reenacting and amending RCW 69.50.505; adding a new chapter to Title 7 RCW; creating a new section; prescribing penalties; and providing an effective date."

and the same is herewith transmitted.

Sarah Bannister, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House refused to concur in the Senate amendment to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1440 and asked the Senate to recede therefrom.

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

SECOND READING

HOUSE BILL NO. 1468, by Representatives Macri and Ormsby

Concerning accounts.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1468 was substituted for House Bill No. 1468 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1468 was read the second time.

Representative Macri moved the adoption of amendment (1309):

On page 2, beginning on line 14, strike all of subsection (11)

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

On page 13, line 22, after "RCW." insert "For purposes of this section, revenues and receipts exclude those amounts transferred on July 1, 2025, from the incarcerated individual betterment fund established outside the state treasury provided those moneys have already been subject to the 25 percent transfer requirement contained herein."

On page 14, line 4, after "limited to," strike "supplies for the" and insert "support for family visitation,"

On page 14, line 6, after "expenditures," insert "reentry services,"

On page 28, beginning on line 20, strike all of subsection (6)

Representatives Macri and Connors spoke in favor of the adoption of the amendment.

Amendment (1309) 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 Macri and Couture spoke in favor of the passage of the bill.

The Speaker (Representative Stearns presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1468.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1468, and the bill passed the House by the following vote: Yeas, 96; Nays, 1; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Abell, Barkis, Barnard, Berg, Bergquist, Bernbaum, Berry, Bronoske, Burnett, Caldier, Callan, Chase, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Engell, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Graham, Gregerson, Griffey, Hackney, Hill, Hunt, Jacobsen, Keaton, Klicker, Kloba, Leavitt, Lekanoff, Ley, Low, Macri, Manjarrez, Marshall, McClintock, McEntire, Mena, Morgan, Nance, Obras, Orcutt, Ormsby, Ortiz-Self, Parshley, Paul, Penner, Peterson, Pollet, Ramel, Reed, Reeves, Richards, Rude, Rule, Ryu, Salahuddin, Santos, Schmick, Schmidt, Scott, Shavers, Simmons, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Stuebe, Taylor, Thai, Tharinger, Thomas, Timmons, Volz, Walen, Walsh, Waters, Wylie, Ybarra, Zahn and Mme. Speaker

Voting Nay: Representative Dufault

Excused: Representative Mendoza

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1468, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1848, by Representatives Doglio, Goodman, Parshley, Salahuddin and Wylie

Concerning services and supports for individuals with traumatic brain injuries.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1848 was substituted for House Bill No. 1848 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1848 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 Doglio, Eslick, Dent and Jacobsen spoke in favor of the passage of the bill.

Representative Dufault spoke against the passage of the bill.

The Speaker (Representative Stearns presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1848.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1848, and the bill passed the House by the following vote: Yeas, 87; Nays, 10; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Abell, Barkis, Barnard, Berg, Bergquist, Bernbaum, Berry, Bronoske, Burnett, Caldier, Callan, Chase, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Graham, Gregerson, Griffey, Hackney, Hill, Hunt, Jacobsen, Keaton, Klicker, Kloba, Leavitt, Lekanoff, Ley, Low, Macri, Manjarrez, McClintock, Mena, Morgan, Nance, Obras, Ormsby, Ortiz-Self, Parshley, Paul, Penner, Peterson, Pollet, Ramel, Reed, Reeves, Rude, Rule, Ryu, Salahuddin, Santos, Schmick, Schmidt, Scott, Simmons, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Stuebe, Taylor, Thai, Tharinger, Thomas, Volz, Walen, Waters, Wylie, Zahn and Mme. Speaker

Voting Nay: Representatives Dufault, Engell, Marshall, McEntire, Orcutt, Richards, Shavers, Timmons, Walsh and Ybarra

Excused: Representative Mendoza

SUBSTITUTE HOUSE BILL NO. 1848, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote NAY on Substitute House Bill No. 1848.
Representative Abell, 7th District

SECOND READING

HOUSE BILL NO. 2003, by Representatives Reeves, Fitzgibbon and Pollet

Concerning the Columbia river recreational salmon and steelhead endorsement program.

The bill was read the second time.

Representative Orcutt moved the adoption of amendment (1123):

On page 2, after line 16, insert the following:

"NEW SECTION. **Sec. 3.** A new section is added to chapter 77.12 RCW to read as follows:

(1) The department shall administer the Columbia river recreational salmon and steelhead endorsement program in consultation with a Columbia river salmon and steelhead recreational anglers board. The board shall serve in an advisory capacity to the department.

(2) The department shall solicit recommendations for membership on the Columbia river salmon and steelhead recreational anglers board from recognized recreational fishing organizations of the Columbia river, and the director or director's designee shall give deference to such recommendations when selecting board members. In making these selections, the director or director's designee shall seek to provide equitable representation from the various geographic areas of the Columbia river. The board must consist of no fewer than six and no more than ten members at any one time.

(3) The Columbia river salmon and steelhead recreational anglers board shall make annual recommendations to the department regarding program expenditures. To the maximum extent possible, the board and department shall seek to reach consensus regarding program activities and expenditures. The director or the director's designee shall provide the board with a written explanation when the department expends funds from the Columbia river recreational salmon and steelhead endorsement program account created in section 1 of this act in a manner that differs substantially from board recommendations.

(4) Columbia river salmon and steelhead recreational anglers board members shall be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(5) By December 1, 2025, and by December 1 of each year thereafter, the department and the Columbia river salmon and steelhead recreational anglers board shall review the Columbia river recreational salmon and steelhead endorsement program, prepare a brief summary of the activities conducted under the program, and provide this summary to the appropriate committees of the legislature."

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

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

Representative Reeves spoke against the adoption of the amendment.

Amendment (1123) was not adopted.

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

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

Representatives Walsh, Couture, Waters, Stuebe, Ley, McClintock, Engell, Abbarno and Orcutt spoke against the passage of the bill.

The Speaker (Representative Stearns presiding) stated the question before the House to be the final passage of House Bill No. 2003.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2003, and the bill passed the House by the following vote: Yeas, 53; Nays, 44; Absent, 0; Excused, 1

Voting Yea: Representatives Berg, Bergquist, Bernbaum, Berry, Bronoske, Callan, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Hill, Hunt, Kloba, Leavitt, Lekanoff, Macri, Mena, Morgan, Nance, Obras, Ormsby, Ortiz-Self, Parshley, Paul, Peterson, Pollet, Ramel, Reed, Reeves, Ryu, Salahuddin, Santos, Scott, Simmons, Springer, Stearns, Street, Taylor, Thai, Tharinger, Thomas, Walen, Zahn and Mme. Speaker

Voting Nay: Representatives Abbarno, Abell, Barkis, Barnard, Burnett, Caldier, Chase, Connors, Corry, Couture, Dent, Dufault, Dye, Engell, Eslick, Graham, Griffey, Jacobsen, Keaton, Klicker, Ley, Low, Manjarrez, Marshall, McClintock, McEntire, Orcutt, Penner, Richards, Rude, Rule, Schmick, Schmidt, Shavers, Steele, Stokesbary, Stonier, Stuebe, Timmons, Volz, Walsh, Waters, Wylie and Ybarra

Excused: Representative Mendoza

HOUSE BILL NO. 2003, having received the necessary constitutional majority, was declared passed.

The Speaker (Representative Stearns presiding) called upon Representative Timmons to preside.

MOTION

On motion of Representative Griffey, Representative Dent was excused.

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

THIRD READING

MESSAGE FROM THE SENATE

Wednesday, April 2, 2025

Mme. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1539, with the following amendment(s): 1539-S AMS ANR S2394.1

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) A work group to study and make recommendations on wildfire mitigation and resiliency standards is hereby created. The work group membership shall be composed of:

(a) The insurance commissioner or his or her designee, who shall serve as the cochair of the work group;

(b) The commissioner of public lands for the department of natural resources or his or her designee, who shall serve as the cochair of the work group;

(c) Four representatives from the property and casualty insurance industry, to be selected by the insurance commissioner and commissioner of public lands for the department of natural resources, or their designees through an application process, which must be completed by August 1, 2025;

(d) One representative from the insurance institute for business and home safety;

(e) One representative from local emergency management as nominated by the Washington state emergency management council;

(f) One representative from the Washington fire chiefs association;

(g) The following ex officio members:

(i) One member from each of the two largest caucuses of the house of representatives, appointed by the speaker of the house of representatives; and

(ii) One member from each of the two largest caucuses of the senate, appointed by the president of the senate;

(h) Other state agency representatives or stakeholder group representatives, at the discretion of the work group, for the purpose of participating in specific topic discussions or subcommittees;

(i) One representative of small forest landowners;

(j) One representative of rural landowners;

(k) One representative of the real estate industry;

(l) One representative of consumer-owned electric utilities; and

(m) One representative of investor-owned electric utilities.

(2) Staff support for the work group must be provided by the office of the insurance commissioner.

(3) The work group shall study and develop recommendations for the following:

(a)(i) Coordinating the department of natural resources' existing wildfire property mitigation standards, or development of standards, with nationally recognized, science-based, wildfire mitigation standards, and (ii) aligning state wildfire property mitigation standards with nationally recognized, science-based, wildfire mitigation standards;

(b) Enhancing wildfire mitigation at the community level;

(c) Sharing of relevant data between appropriate state agencies and the insurance industry with respect to successful implementation of existing wildfire mitigation efforts, including the identification of gaps in existing wildfire mitigation that may be addressed through (a)(i) of this subsection (3) and wildfire risk assessment tools, which must include coordination with the department of health regarding its environmental health disparities map;

(d) Improving transparency for consumers regarding wildfire hazard and risk, including through disclosures to policyholders for insurance policy nonrenewals primarily related to wildfire risk, with the intent of increasing the availability of insurance, decreasing nonrenewals, and enhancing market stability that is informed by industry and consumer data; and

(e) Establishing a grant program to provide grants to Washington homeowners for purposes including, but not limited to, retrofitting residential property to resist loss due to wildfire and evaluating whether residential property meets nationally recognized, science-based, wildfire mitigation standards. The work group must include recommendations for:

(i) A grant program framework that will promote a decrease in the number of nonrenewals of consumer general casualty insurance or property insurance policies; and

(ii) Whether and how local fire protection districts may collaborate with the grant program administrator.

(4) The work group shall submit, in compliance with RCW 43.01.036, a report of recommendations to the legislature, the insurance commissioner, and the department of natural resources, by December 1, 2025.

(5) This section expires December 31, 2025."

On page 1, line 1 of the title, after "risk;" strike the remainder of the title and insert "creating a new section; and providing an expiration date."

and the same is herewith transmitted.

Sarah Bannister, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1539 and advanced the bill, as amended by the Senate, to final passage.

Representatives Reeves and Engell spoke in favor of the passage of the bill.

MOTION

On motion of Representative Ramel, Representative Hackney was excused.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Timmons presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1539, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1539, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 94; Nays, 1; Absent, 0; Excused, 3

Voting Yea: Representatives Abbarno, Abell, Barkis, Barnard, Berg, Bergquist, Bernbaum, Berry, Bronoske, Burnett, Caldier, Callan, Chase, Connors, Corry, Cortes, Couture, Davis, Doglio, Donaghy, Duerr, Dye, Engell, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Graham, Gregerson, Griffey, Hill, Hunt, Jacobsen, Keaton, Klicker, Kloba, Leavitt, Lekanoff, Ley, Low, Macri, Manjarrez, Marshall, McClintock, McEntire, Mena, Morgan, Nance, Obras, Orcutt, Ormsby, Ortiz-Self, Parshley, Paul, Penner, Peterson, Pollet, Ramel, Reed, Reeves, Richards, Rude, Rule, Ryu, Salahuddin, Santos, Schmick, Schmidt, Scott, Shavers, Simmons, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Stuebe, Taylor, Thai, Tharinger, Thomas, Timmons, Volz, Walen, Walsh, Waters, Wylie, Ybarra, Zahn and Mme. Speaker

Voting Nay: Representative Dufault

Excused: Representatives Dent, Hackney and Mendoza

SUBSTITUTE HOUSE BILL NO. 1539, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

Tuesday, April 15, 2025

Mme. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 1628, with the following amendment(s): 1628.E AMS WILJ S2429.1

On page 2, line 38, after "designee;" strike "and"

On page 3, line 2, after "designee" insert "; and

(f) The director of fire protection, or the director's designee, as a nonvoting ex officio member"

and the same is herewith transmitted.

Colleen Pehar, Deputy Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED HOUSE BILL NO. 1628 and advanced the bill, as amended by the Senate, to final passage.

Representatives Bronoske and Waters spoke in favor of the passage of the bill.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Timmons presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1628, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1628, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3

Voting Yea: Representatives Abbarno, Abell, Barkis, Barnard, Berg, Bergquist, Bernbaum, Berry, Bronoske, Burnett, Caldier, Callan, Chase, Connors, Corry, Cortes, Couture, Davis, Doglio, Donaghy, Duerr, Dufault, Dye, Engell, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Graham, Gregerson, Griffey, Hill, Hunt, Jacobsen, Keaton, Klicker, Kloba, Leavitt, Lekanoff, Ley, Low, Macri, Manjarrez, Marshall, McClintock, McEntire, Mena, Morgan, Nance, Obras, Orcutt, Ormsby, Ortiz-Self, Parshley, Paul, Penner, Peterson, Pollet, Ramel, Reed, Reeves, Richards, Rude, Rule, Ryu, Salahuddin, Santos, Schmick, Schmidt, Scott, Shavers, Simmons, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Stuebe, Taylor, Thai, Tharinger, Thomas, Timmons, Volz, Walen, Walsh, Waters, Wylie, Ybarra, Zahn and Mme. Speaker

Excused: Representatives Dent, Hackney and Mendoza

ENGROSSED HOUSE BILL NO. 1628, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

Wednesday, April 2, 2025

Mme. Speaker:

The Senate has passed HOUSE BILL NO. 1757, with the following amendment(s): 1757 AMS HSG S2419.1

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 35A.21.440 and 2023 c 285 s 1 are each amended to read as follows:

(1)(a) Code cities must adopt or amend by ordinance, and incorporate into their development regulations, zoning regulations, and other official controls the requirements of subsection (2) of this section for buildings ((~~that are zoned for commercial or mixed use no later than six months after its next periodic comprehensive plan update required under RCW 36.70A.130~~))in commercial, mixed-use, or residential zones no later than June 30, 2026.

(b) The requirements of subsection (2) of this section apply and take effect in any code city that has not adopted or amended ordinances, regulations, or other official controls as required under this section by the timeline in (a) of this subsection and supersede, preempt, and invalidate any conflicting local development regulations.

(2) Through ordinances, development regulations, zoning regulations, or other official controls as required under subsection (1) of this section, code cities may not:

(a) Impose a restriction on housing unit density that prevents the addition of housing units at a density up to 50 percent more than what is allowed in the underlying zone if constructed entirely within an existing building envelope in a building located within a zone that permits multifamily housing, provided that generally applicable health and safety standards, including but not limited to building code standards and fire and life safety standards, can be met within the building;

(b) Impose parking requirements on the addition of dwelling units or living units added within an existing building, however, cities may require the retention of existing parking that is required to satisfy existing residential parking requirements under local laws and for nonresidential uses that remain after the new units are added;

(c) With the exception of emergency housing and transitional housing uses, impose permitting requirements on the use of an existing building for residential purposes beyond those requirements generally applicable to all residential development within the building's zone, including requiring a change of use permit;

(d) Impose design standard requirements, including setbacks, lot coverage, and floor area ratio requirements, on the use of an existing building for residential purposes beyond those requirements generally applicable to all residential development within the building's zone;

(e) Impose exterior design or architectural requirements on the residential use of an existing building beyond those necessary for health and safety of the use of the interior of the building or to preserve character-defining streetscapes, unless the building is a designated landmark or is within a historic district established through a local preservation ordinance;

(f) Prohibit the addition of housing units in any specific part of a building except ground floor commercial or retail that is along a major pedestrian corridor as defined by the code city, unless the addition of the units would violate applicable building codes or health and safety standards;

(g) Require unchanged portions of an existing building that have been used for residential or previously permit-approved conditioned space purposes to meet the current energy code solely because of the addition of new dwelling units within the building((~~, however, if any portion of an~~)). When any other existing building is converted to new dwelling units, changed portions of each of those new units must meet the requirements of the current energy code((~~,~~)), except if:

(i) The square footage of new dwelling units does not exceed 2,500 square feet or 50 percent of the total building square footage, whichever is greater;

(ii) The building owner submits documentation, in a form acceptable to the

code city, showing the building's residential units' projected energy use intensity is less than or equal to the energy use intensity target in accordance with the clean buildings performance standard in RCW 19.27A.210; or

(iii) In all areas zoned for residential housing, an additional housing unit is created within an existing home;

(h) Deny a building permit application for the addition of housing units within an existing building due to nonconformity regarding parking, height, setbacks, elevator size for gurney transport, or modulation, unless the code city official with decision-making authority makes written findings that the nonconformity is causing a significant detriment to the surrounding area; or

(i) Require a transportation concurrency study under RCW 36.70A.070 or an environmental study under chapter 43.21C RCW based on the addition of residential units within an existing building.

(3) Nothing in this section requires a code city to approve a building permit application for the addition of housing units constructed entirely within an existing building envelope in a building located within a zone that permits multifamily housing in cases in which the building cannot satisfy life safety standards.

(4) For the purpose of this section, "existing building" means a building that received a certificate of occupancy at least three years prior to the permit application to add housing units.

Sec. 2. RCW 35.21.990 and 2023 c 285 s 2 are each amended to read as follows:

(1)(a) Cities must adopt or amend by ordinance, and incorporate into their development regulations, zoning regulations, and other official controls the requirements of subsection (2) of this section for buildings ((~~that are zoned for commercial or mixed use no later than six months after its next periodic comprehensive plan update required under RCW 36.70A.130~~))in commercial, mixed-use, or residential zones no later than June 30, 2026.

(b) The requirements of subsection (2) of this section apply and take effect in any city that has not adopted or amended ordinances, regulations, or other official controls as required under this section by the timeline in (a) of this subsection and supersede, preempt, and invalidate any conflicting local development regulations.

(2) Through ordinances, development regulations, zoning regulations, or other official controls as required under subsection (1) of this section, cities may not:

(a) Impose a restriction on housing unit density that prevents the addition of housing units at a density up to 50 percent more than what is allowed in the underlying zone if constructed entirely within an existing building envelope in a building located within a zone that permits multifamily housing, provided that generally applicable health and safety standards, including but not limited to building code standards and fire and life safety standards, can be met within the building;

(b) Impose parking requirements on the addition of dwelling units or living units added within an existing building, however, cities may require the retention of existing parking that is required to satisfy existing residential parking requirements under local laws and for nonresidential uses that remain after the new units are added;

(c) With the exception of emergency housing and transitional housing uses, impose permitting requirements on the use of an existing building for residential purposes beyond those requirements generally applicable to all residential development within the building's zone, including requiring a change of use permit;

(d) Impose design standard requirements, including setbacks, lot coverage, and floor area ratio requirements, on the use of an existing building for residential purposes beyond those requirements generally applicable to all residential development within the building's zone;

(e) Impose exterior design or architectural requirements on the residential use of an existing building beyond those necessary for health and safety of the use of the interior of the building or to preserve character-defining streetscapes, unless the building is a designated landmark or is within a historic district established through a local preservation ordinance;

(f) Prohibit the addition of housing units in any specific part of a building except ground floor commercial or retail that is along a major pedestrian corridor as defined by each city, unless the addition of the units would violate applicable building codes or health and safety standards;

(g) Require unchanged portions of an existing building that have been used for residential or previously permit-approved conditioned space purposes to meet the current energy code solely because of the addition of new dwelling units within the building((~~, however, if any portion of an~~)). When any other existing building is converted to new dwelling units, changed portions of each of those new units must meet the requirements of the current energy code((~~,~~)), except if:

(i) The square footage of new dwelling units does not exceed 2,500 square feet or 50 percent of the total building square footage, whichever is greater;

(ii) The building owner submits documentation, in a form acceptable to the city, showing the building's residential units' projected energy use intensity is less than or equal to the energy use intensity target in accordance with the clean buildings performance standard in RCW 19.27A.210; or

(iii) In all areas zoned for residential housing, an additional housing unit is created within an existing home;

(h) Deny a building permit application for the addition of housing units within an existing building due to nonconformity regarding parking, height, setbacks, elevator size for gurney transport, or modulation, unless the city official with decision-making authority makes written

findings that the nonconformity is causing a significant detriment to the surrounding area; or

(i) Require a transportation concurrency study under RCW 36.70A.070 or an environmental study under chapter 43.21C RCW based on the addition of residential units within an existing building.

(3) Nothing in this section requires a city to approve a building permit application for the addition of housing units constructed entirely within an existing building envelope in a building located within a zone that permits multifamily housing in cases in which the building cannot satisfy life safety standards.

(4) For the purpose of this section, "existing building" means a building that received a certificate of occupancy at least three years prior to the permit application to add housing units."

On page 1, line 2 of the title, after "purposes;" strike the remainder of the title and insert "and amending RCW 35A.21.440 and 35.21.990."

and the same is herewith transmitted.

Sarah Bannister, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 1757 and advanced the bill, as amended by the Senate, to final passage.

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

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Timmons presiding) stated the question before the House to be the final passage of House Bill No. 1757, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1757, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 94; Nays, 1; Absent, 0; Excused, 3

Voting Yea: Representatives Abbarno, Abell, Barkis, Barnard, Berg, Bergquist, Bernbaum, Berry, Bronoske, Burnett, Caldier, Callan, Chase, Connors, Corry, Cortes, Couture, Davis, Doglio, Donaghy, Duerr, Dye, Engell, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Graham, Gregerson, Griffey, Hill, Hunt, Jacobsen, Keaton, Klicker, Kloba, Leavitt, Lekanoff, Ley, Low, Macri, Manjarrez, Marshall, McClintock, McEntire, Mena, Morgan, Nance, Obras, Orcutt, Ormsby, Ortiz-Self, Parshley, Paul, Penner, Peterson, Pollet, Ramel, Reed, Reeves, Richards, Rude, Rule, Ryu, Salahuddin, Santos, Schmick, Schmidt, Scott, Shavers, Simmons, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Stuebe, Taylor, Thai, Tharinger, Thomas, Timmons, Volz, Walen, Walsh, Waters, Wylie, Ybarra, Zahn and Mme. Speaker

Voting Nay: Representative Dufault

Excused: Representatives Dent, Hackney and Mendoza

HOUSE BILL NO. 1757, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

Tuesday, April 8, 2025

Mme. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1815, with the following amendment(s): 1815-S.E AMS WICL S2806.1; 1815-S.E AMS WICL S2682.1

On page 5, line 35, after "charged" insert "within five years before the effective date of this section"

On page 6, line 1, strike all of section 7 and insert the following:

"NEW SECTION. **Sec. 7.** 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 immediately."

On page 1, line 3 of the title, after "and" strike the remainder of the title and insert "declaring an emergency."

and the same are herewith transmitted.

Sarah Bannister, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1815 and advanced the bill, as amended by the Senate, to final passage.

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

Representative Eslick spoke against the passage of the bill.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Timmons presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1815, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1815, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 58; Nays, 37; Absent, 0; Excused, 3

Voting Yea: Representatives Berg, Bergquist, Bernbaum, Berry, Bronoske, Callan, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hill, Hunt, Kloba, Leavitt, Lekanoff, Macri, Mena, Morgan, Nance, Obras, Ormsby, Ortiz-Self, Parshley, Paul, Peterson, Pollet, Ramel, Reed, Reeves, Richards, Rule, Ryu, Salahuddin, Santos, Scott, Shavers, Simmons, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Thomas, Timmons, Walen, Wylie, Zahn and Mme. Speaker

Voting Nay: Representatives Abbarno, Abell, Barkis, Barnard, Burnett, Caldier, Chase, Connors, Corry, Couture, Dufault, Dye, Engell, Eslick, Graham, Griffey, Jacobsen, Keaton, Klicker, Ley, Low, Manjarrez, Marshall, McClintock, McEntire, Orcutt, Penner, Rude, Schmick, Schmidt, Steele, Stokesbary, Stuebe, Volz, Walsh, Waters and Ybarra

Excused: Representatives Dent, Hackney and Mendoza

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1815, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

Wednesday, April 9, 2025

Mme. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1829, with the following amendment(s): 1829-S.E AMS LAW S2528.1

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 10.32.070 and 2024 c 207 s 8 are each amended to read as follows:

(1) Subject to the provisions of RCW 10.32.050, a place of detention shall deliver or make available a person in custody to the noncertified tribe without a judicial order of surrender provided that:

((~~(1)~~))(a) Such person is alleged to have broken the terms of his or her probation, parole, bail, or any other release of the noncertified tribe; and

((~~(2)~~))(b) The place of detention has received from the noncertified tribe an authenticated copy of a prior waiver of extradition signed by such person as a term of his or her probation, parole, bail, or any other release of the noncertified tribe and photographs or fingerprints or other evidence properly identifying the person as the person who signed the waiver.

(2) As used in this section, "authenticated copy" means a copy of a prior waiver of extradition signed by an authorized representative of the tribal court attesting the document is a true record of the tribal court waiver of extradition.

NEW SECTION. **Sec. 2.** A new section is added to chapter 10.32 RCW to read as follows:

The certified or noncertified tribe demanding the extradition of a tribal fugitive pursuant to this chapter shall have standing in any hearing in state court testing the legality of the extradition.

NEW SECTION. **Sec. 3.** A new section is added to chapter 10.32 RCW to read as follows:

(1) Upon issuing a tribal warrant, the court of a tribe may file such warrant with the superior court of the county in which the tribe is physically located along with:

(a) A certified copy of the charging document;

(b) The tribal code provision, constitutional provision, or federal statute authorizing the certified tribe to exercise criminal jurisdiction over the tribal fugitive for whom the tribal warrant has been issued; and

(c) Identifying information for the tribal fugitive.

(2) A warrant so filed shall be timely reviewed by a superior court. If the court makes a finding of probable cause that a tribal fugitive subject to a filed tribal warrant has been charged with a crime by the filing tribe, the court must order the issuance of a state warrant of arrest for such tribal fugitive from justice under section 4 of this act, which shall expire six months after issuance, unless withdrawn earlier under subsection (4) of this section.

(3) Any judicial proceedings involving a tribal fugitive subject to a warrant filed under this section must occur in the county where the tribal fugitive is first detained.

(4) A warrant filed under this section must be withdrawn once the person who is the subject of the tribal warrant has submitted to the tribe's tribal court jurisdiction or been arrested.

NEW SECTION. **Sec. 4.** A new section is added to chapter 10.32 RCW to read as follows:

Whenever any person within this state shall be charged on the oath of any credible person before any judge or magistrate of this state with the commission of any crime by any federally recognized tribe with territory located within the borders of the state of Washington and with having fled from justice, or with having been convicted of a crime by any federally recognized tribe with territory located in the state of Washington and having escaped from confinement, or having broken the terms of such person's bail, probation, or parole, or whenever complaint shall have been made before any judge or magistrate in this state setting forth on the affidavit of any credible person of a federally recognized tribe with territory within this state that a crime has been committed for which the tribe has criminal jurisdiction and that the accused has been charged by such tribe with the commission of the crime, and has fled from justice, or with having been convicted of a crime in that tribe's courts and having escaped from confinement, or having broken the terms of such person's bail, probation, or parole and is believed to be in this state, the judge or magistrate shall issue a warrant directed to any peace officer commanding such officer to apprehend the person named therein, wherever such person may be found in this state, and to bring such person before the same or any other judge, magistrate, or court who or which may be available in or convenient of access to the place where the arrest may be made, to answer the charge or complaint and affidavit, and a certified copy of the sworn charge or complaint and affidavit upon which the warrant is issued shall be attached to the warrant.

Sec. 5. RCW 9A.72.010 and 2019 c 232 s 10 are each amended to read as follows:

The following definitions are applicable in this chapter unless the context otherwise requires:

(1) "Materially false statement" means any false statement oral or written, regardless of its admissibility under the rules of evidence, which could have affected the course or outcome of the proceeding;

(2) "Oath" includes an affirmation and every other mode authorized by law of attesting to the truth of that which is stated; in this chapter, written statements shall be treated as if made under oath if:

(a) The statement was made on or pursuant to instructions on an official form bearing notice, authorized by law, to the effect that false statements made therein are punishable;

(b) The statement recites that it was made under oath, the declarant was aware of such recitation at the time he or she made the statement, intended that the statement should be represented as a sworn statement, and the statement was in fact so represented by its delivery or utterance with the signed jurat of an officer authorized to administer oaths appended thereto; or

(c) It is a statement, declaration, verification, or certificate, made within or outside the state of Washington, which is declared to be true under penalty of perjury as provided in chapter 5.50 RCW or under the code of any federally recognized tribe.

(3) An oath is "required or authorized by law" when the use of the oath is specifically provided for by statute or regulatory provision or when the oath is administered by a person authorized by state, a federally recognized tribe, or federal law to administer oaths;

(4) "Official proceeding" means a proceeding heard before any state, federally recognized tribal, or federal legislative, judicial, administrative, or other government agency or official authorized to hear evidence under oath, including any tribal court, referee, hearing examiner, commissioner, notary, or other person taking testimony or depositions;

(5) "Juror" means any person who is a member of any jury, including a grand jury, impaneled by any court of this state, or tribal court, or by any public servant authorized by law to impanel a jury; the term juror also includes any person who has been drawn or summoned to attend as a prospective juror;

(6) "Testimony" includes oral or written statements, documents, or any other material that may be offered by a witness in an official proceeding;

(7) "Tribal" means a federally recognized Indian tribe as defined by 25 U.S.C. Sec. 1301;

(8) "Tribal court" means an Indian court as defined by 25 U.S.C. Sec. 1301;

(9) "Tribal law" means the Constitution, codes, ordinance, regulations, case law, and customary law of a federally recognized tribe.

Sec. 6. RCW 10.32.010 and 2024 c 207 s 2 are each amended to read as follows:

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

(1) "Noncertified tribe" means a federally recognized tribe located within the borders of the state of Washington that is requesting that a tribal fugitive be surrendered to the duly authorized agent of the tribe, but has not received approval to exercise jurisdiction under the tribal law and order act of 2010, section 234, codified at 25 U.S.C. Sec. 1302, and which has agreed by treaty or practice not to shelter or conceal offenders against the laws of the state of Washington but to deliver them up to state authorities for prosecution.

(2) "Certified tribe" means a federally recognized tribe located within the borders of the state of Washington that (a) may impose a term of imprisonment of greater than one year, or a fine greater than $5,000, or both, pursuant to the tribal law and order act of 2010, section 234, codified at 25 U.S.C. Sec. 1302; and (b) has agreed not to shelter or conceal offenders against the laws of the state of Washington but to deliver them up to state authorities for prosecution.

(3) "Peace officer" has the same meaning as in RCW 10.93.020(4).

(4) "Place of detention" means a jail as defined in RCW 70.48.020, a correctional facility as defined in RCW 72.09.015, and any similar adult facility contracted by a city or county.

(5) "Tribal court judge" includes every judicial officer authorized alone or with others, to hold or preside over the criminal court of a certified tribe or noncertified tribe.

(6) "Tribal fugitive" or "fugitive" means any person who is subject to tribal court criminal jurisdiction, committed an alleged crime under the tribal code, and thereafter fled tribal jurisdiction, including by escaping or evading confinement, breaking the terms of their probation, bail, or parole, or absenting themselves from the jurisdiction of the tribal court.

(7) "Tribal police officer" has the same meaning as in RCW 10.92.010.

Sec. 7. RCW 10.32.130 and 2024 c 207 s 14 are each amended to read as follows:

(1) A peace officer ((~~or a peace~~)) as defined in RCW 43.101.010, limited authority Washington peace officer as defined in RCW 10.93.020, specially commissioned Washington peace officer as defined in RCW 10.93.020, local or state corrections officer as defined in RCW 43.101.010, jail as defined in RCW 70.48.020, or such officer's or jail facility's legal advisor may not be held criminally or civilly liable for making an arrest or not making an arrest under chapter 207, Laws of 2024 if the peace officer or the peace officer's legal advisor acted in good faith and without malice.

(2) Chapter 207, Laws of 2024 is not intended to limit, abrogate, or modify existing immunities for prosecuting attorneys for good faith conduct consistent with statutory duties.

Sec. 8. RCW 10.32.090 and 2024 c 207 s 10 are each amended to read as follows:

(1) A peace officer may arrest a person subject to a tribal arrest warrant from a noncertified tribe when the warrant is presented by a tribal court representative or tribal law enforcement officer to the peace officer or a general authority Washington law enforcement agency as defined in RCW 10.93.020 or entered in the national crime information center ((~~interstate identification index~~)) or Washington information center. The arrested person must be brought to an appropriate place of detention and then to the nearest available

superior court judge ((~~without unnecessary delay~~))the next judicial day. The superior court judge shall issue an order continuing custody upon presentation of the tribal arrest warrant.

(2) The judge shall inform the person appearing under subsection (1) of this section of the name of the noncertified tribe that has subjected the person to an arrest warrant, the basis of the arrest warrant, the right to assistance of counsel, and the right to require a judicial hearing before transfer of custody to the applicable noncertified tribe.

(3) After being informed by the judge of the effect of a waiver, the arrested person may waive the right to require a judicial hearing and consent to return to the applicable noncertified tribe by executing a written waiver. If the waiver is executed, the judge shall issue an order to transfer custody under subsection (5) of this section or, with consent of the applicable noncertified tribe, authorize the voluntary return of the person to that tribe.

(4) If a hearing is not waived under subsection (3) of this section, the court shall hold a hearing within ((~~three days~~))72 hours, excluding weekends and holidays, after the initial appearance. The arrested person and the prosecuting attorney's office shall be informed of the time and place of the hearing. The court shall release the person upon conditions that will reasonably assure availability of the person for the hearing or direct a peace officer to maintain custody of the person until the time of the hearing. Following the hearing, the judge shall issue an order to transfer custody under subsection (5) of this section unless the arrested person established by clear and convincing evidence that the arrested person is not the person identified in the warrant. If the court does not order transfer of custody, the judge shall order the arrested person to be released.

(5) A judicial order to transfer custody issued under subsection (4) of this section shall be directed to a peace officer to take or retain custody of the person until a representative of the applicable noncertified tribe is available to take custody. If the noncertified tribe has not taken custody ((~~with [within]~~))within three days, excluding weekends and holidays, the court may order the release of the person upon conditions that will assure the person's availability on a specified date ((~~with [within]~~))within seven days. If the noncertified tribe has not taken custody within the time specified in the order, the person shall be released. Thereafter, an order to transfer custody may be entered only if a new arrest warrant is issued. The court may authorize the voluntary return of the person with the consent of the applicable noncertified tribe.

Sec. 9. RCW 10.32.100 and 2024 c 207 s 11 are each amended to read as follows:

(1) Any arrest warrant issued by the court of a certified tribe shall be accorded full faith and credit by the courts of the state of Washington and enforced by the court and peace officers of the state as if it were the arrest warrant of the state. Certified tribes' warrants may be entered into the national crime information center or Washington information center. A Washington state peace officer who arrests a person pursuant to the arrest warrant of a certified tribe, if no other grounds for detention exist under state law, shall, as soon as practical after detaining the person, and in accordance with standard practices, contact the tribal law enforcement agency that issued the warrant to establish the warrant's validity.

(2) A place of detention shall allow a certified tribe to place a detainer on an inmate based on a tribal warrant. For the purposes of this section, detainer means a request by a certified tribe's tribal court, tribal police department, or tribal prosecutor's office, filed with the place of detention in which a person is incarcerated, to hold the person for the certified tribe and to notify the tribe when release of the person is imminent so that the person can be transferred to tribal custody within 72 hours of their release from all other holds.

(3) The privilege of the writ of habeas corpus shall be available to any person detained under this provision. The issues in the habeas corpus proceeding shall be limited to those identified in RCW 10.32.060 (4) and (5)."

On page 1, line 1 of the title, after "warrants;" strike the remainder of the title and insert "amending RCW 10.32.070, 9A.72.010, 10.32.010, 10.32.130, 10.32.090, and 10.32.100; and adding new sections to chapter 10.32 RCW."

and the same is herewith transmitted.

Colleen Pehar, Deputy Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1829 and advanced the bill, as amended by the Senate, to final passage.

Representatives Lekanoff and Graham spoke in favor of the passage of the bill.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Timmons presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1829, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1829, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 93; Nays, 2; Absent, 0; Excused, 3

Voting Yea: Representatives Abbarno, Abell, Barkis, Barnard, Berg, Bergquist, Bernbaum, Berry, Bronoske, Burnett, Caldier, Callan, Chase, Connors, Corry, Cortes, Couture, Davis, Doglio, Donaghy, Duerr, Dufault, Dye, Engell, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Graham, Gregerson, Griffey, Hill, Hunt, Jacobsen, Keaton, Klicker, Kloba, Leavitt, Lekanoff, Ley, Low, Macri, Manjarrez, Marshall, McClintock, Mena, Morgan, Nance, Obras, Orcutt, Ormsby, Ortiz-Self, Parshley, Paul, Penner, Peterson, Pollet, Ramel, Reed, Reeves, Richards, Rude, Rule, Ryu, Salahuddin, Santos, Schmick, Schmidt, Scott, Shavers,

Simmons, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Stuebe, Taylor, Thai, Tharinger, Thomas, Timmons, Volz, Walen, Waters, Wylie, Ybarra, Zahn and Mme. Speaker
Voting Nay: Representatives McEntire and Walsh
Excused: Representatives Dent, Hackney and Mendoza

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1829, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

Tuesday, April 8, 2025

Mme. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 1874, with the following amendment(s): 1874.E AMS NOBL S2599.1

On page 8, after line 15, insert the following:

"NEW SECTION. **Sec. 4.** This act takes effect March 1, 2026."

On page 1, line 3 of the title, after "18.16.030;" strike "and creating a new section" and insert "creating a new section; and providing an effective date"

and the same is herewith transmitted.

Sarah Bannister, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED HOUSE BILL NO. 1874 and advanced the bill, as amended by the Senate, to final passage.

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

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Timmons presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1874, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1874, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 88; Nays, 7; Absent, 0; Excused, 3
Voting Yea: Representatives Abbarno, Barkis, Barnard, Berg, Bergquist, Bernbaum, Berry, Bronoske, Burnett, Caldier, Callan, Chase, Connors, Cortes, Couture, Davis, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Graham, Gregerson, Griffey, Hill, Hunt, Keaton, Klicker, Kloba, Leavitt, Lekanoff, Ley, Low, Macri, Manjarrez, Marshall, McClintock, Mena, Morgan, Nance, Obras, Orcutt, Ormsby, Ortiz-Self, Parshley, Paul, Penner, Peterson, Pollet, Ramel, Reed, Reeves, Richards, Rude, Rule, Ryu, Salahuddin, Santos, Schmick, Schmidt, Scott, Shavers, Simmons, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Stuebe, Taylor, Thai, Tharinger, Thomas, Timmons, Volz, Walen, Waters, Wylie, Ybarra, Zahn and Mme. Speaker
Voting Nay: Representatives Abell, Corry, Dufault, Engell, Jacobsen, McEntire and Walsh
Excused: Representatives Dent, Hackney and Mendoza

ENGROSSED HOUSE BILL NO. 1874, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

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

SECOND READING

HOUSE BILL NO. 1958, by Representatives Fey, Wylie and Zahn

Concerning the interstate bridge replacement toll bond authority.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1958 was substituted for House Bill No. 1958 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1958 was read the second time.

Representative Ley moved the adoption of amendment (1114):

On page 2, after line 10, insert the following:
"(3) No bonds or other forms of debt may be issued pursuant to this section until a binding agreement has been entered into between the state of Washington and the state of Oregon that requires that any and all costs or funding shortfalls related to the Interstate 5 bridge replacement project be shared equally between the two states."

On page 2, line 18, after "bonds." insert "No bonds may be issued pursuant to this section until a binding agreement has been entered into between the state of Washington and the state of Oregon that requires that any and all costs or funding shortfalls related to the Interstate 5 bridge replacement project be shared equally between the two states."

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

Representative Fey spoke against the adoption of the amendment.

Amendment (1114) was not adopted.

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

Representatives Fey, Barkis, Wylie and Barkis (again) spoke in favor of the passage of the bill.

Representatives Ley, Orcutt, Abbarno and Ley (again) spoke against the passage of the bill.

The Speaker (Representative Timmons presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1958.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1958, and the bill passed the House by the following vote: Yeas, 61; Nays, 35; Absent, 0; Excused, 2
Voting Yea: Representatives Barkis, Berg, Bergquist, Bernbaum, Berry, Bronoske, Callan, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Eslick, Farivar, Fey, Fitzgibbon,

Fosse, Goodman, Gregerson, Hackney, Hill, Hunt, Kloba, Leavitt, Lekanoff, Low, Macri, Mena, Morgan, Nance, Obras, Ormsby, Ortiz-Self, Parshley, Paul, Penner, Peterson, Pollet, Ramel, Reed, Reeves, Ryu, Salahuddin, Santos, Schmidt, Scott, Simmons, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Thomas, Timmons, Walen, Wylie, Zahn and Mme. Speaker

Voting Nay: Representatives Abbarno, Abell, Barnard, Burnett, Caldier, Chase, Connors, Corry, Couture, Dufault, Dye, Engell, Graham, Griffey, Jacobsen, Keaton, Klicker, Ley, Manjarrez, Marshall, McClintock, McEntire, Orcutt, Richards, Rude, Rule, Schmick, Shavers, Steele, Stokesbary, Stuebe, Volz, Walsh, Waters and Ybarra

Excused: Representatives Dent and Mendoza

SUBSTITUTE HOUSE BILL NO. 1958, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2061, by Representatives Fitzgibbon, Gregerson, Kloba and Ramel

Regarding concession fees by duty-free sales enterprises.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2061 was substituted for House Bill No. 2061 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2061 was read the second time.

Representative Fitzgibbon moved the adoption of amendment (1280):

On page 3, line 3, after "(3)" insert "The moneys collected pursuant to this section shall be distributed as follows:

(a) For amounts appropriated to the department of revenue for the implementation and administration of this act; and

(b) Beginning July 1, 2025 and annually thereafter, the moneys remaining after the amounts appropriated pursuant to subsection (a) shall be deposited as follows:

(i) Fifty percent into the statewide tourism marketing account created in RCW 43.384.040; and

(ii) Fifty percent into the sustainable aviation fuel account created in section 4 of this act.

(4)"

On page 3, after line 6, insert the following:

"(5) All other administrative provisions of chapter 82.32 RCW have full force and application with respect to the fee imposed under this section.

NEW SECTION. **Sec. 4.** A new section is added to chapter 43.31 RCW to read as follows:

The sustainable aviation fuel account is created in the state treasury. The account shall consist of concession fees collected and deposited into the account pursuant to section 3 of this act. Moneys in the account may be spent only after appropriation. Moneys in the account may be expended by the department for activities supporting research development, environmental review, and infrastructure to support the production of sustainable aviation fuel.

Sec. 5. RCW 43.384.040 and 2023 c 348 s 1 are each amended to read as follows:

The statewide tourism marketing account is created in the state treasury. All receipts from tax revenues under RCW 82.08.225 and moneys collected pursuant to section 3 of this act must be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for expenditures of the department that are related to the implementation of a statewide tourism marketing program and operation of the authority. A one-to-one nonstate or state fund, other than general fund state, match must be provided for all expenditures from the account. A match may consist of nonstate or state fund, other than general fund state, cash contributions deposited in the private local account created under RCW 43.384.020(4), the value of an advertising equivalency contribution, or an in-kind contribution. The board must determine criteria for what qualifies as an in-kind contribution."

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

Representatives Fitzgibbon, Couture and Dufault spoke in favor of the adoption of the amendment.

Amendment (1280) was adopted.

Representative Couture moved the adoption of amendment (1318):

On page 3, line 3, after "(3)" insert "The concession fee may be stated separately from the selling price. For purposes of determining the amount due from the buyer to the seller, it is conclusively presumed that the selling price quoted in any price list does not include concession fees imposed by this section.

(4)"

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

Amendment (1318) 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 Fitzgibbon and Dufault spoke in favor of the passage of the bill.

Representative Couture spoke against the passage of the bill.

The Speaker (Representative Timmons presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2061.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2061, and the bill passed the House by the following vote: Yeas, 56; Nays, 40; Absent, 0; Excused, 2

Voting Yea: Representatives Berg, Bergquist, Bernbaum, Berry, Bronoske, Callan, Cortes, Davis, Doglio, Donaghy, Duerr, Dufault, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman,

Gregerson, Hackney, Hill, Hunt, Kloba, Leavitt, Lekanoff, Macri, Mena, Morgan, Nance, Obras, Ormsby, Ortiz-Self, Parshley, Paul, Peterson, Pollet, Ramel, Reed, Reeves, Ryu, Salahuddin, Santos, Scott, Simmons, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Thomas, Walen, Wylie, Zahn and Mme. Speaker

Voting Nay: Representatives Abbarno, Abell, Barkis, Barnard, Burnett, Caldier, Chase, Connors, Corry, Couture, Dye, Engell, Eslick, Graham, Griffey, Jacobsen, Keaton, Klicker, Ley, Low, Manjarrez, Marshall, McClintock, McEntire, Orcutt, Penner, Richards, Rude, Rule, Schmick, Schmidt, Shavers, Steele, Stokesbary, Stuebe, Timmons, Volz, Walsh, Waters and Ybarra

Excused: Representatives Dent and Mendoza

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2061, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1119, by Representatives Goodman and Simmons

Concerning supervision compliance credit.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1119 was substituted for House Bill No. 1119 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1119 was read the second time.

Representative Couture moved the adoption of amendment (723):

On page 2, after line 3, insert the following:

"(d) An offender shall lose the ability to earn supervision compliance credits if the offender is sanctioned by a court for noncompliance with community custody requirements."

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

Amendment (723) was adopted.

Representative Corry moved the adoption of amendment (722):

On page 1, beginning on line 12, after "terms" strike "((~~and are making progress towards the goals of their individualized supervision case plan~~" and insert "and are making progress towards the goals of their individualized supervision case plan (("

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

Representative Goodman spoke against the adoption of the amendment.

Amendment (722) was not adopted.

The bill was ordered engrossed.

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

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

Representatives Graham and Burnett spoke against the passage of the bill.

The Speaker (Representative Timmons presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1119.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1119, and the bill passed the House by the following vote: Yeas, 53; Nays, 43; Absent, 0; Excused, 2

Voting Yea: Representatives Berg, Bergquist, Bernbaum, Berry, Bronoske, Callan, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Hill, Hunt, Kloba, Lekanoff, Macri, Mena, Morgan, Nance, Obras, Ormsby, Ortiz-Self, Parshley, Peterson, Pollet, Ramel, Reed, Reeves, Ryu, Salahuddin, Santos, Scott, Simmons, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Thomas, Walen, Wylie, Zahn and Mme. Speaker

Voting Nay: Representatives Abbarno, Abell, Barkis, Barnard, Burnett, Caldier, Chase, Connors, Corry, Couture, Dufault, Dye, Engell, Eslick, Graham, Griffey, Jacobsen, Keaton, Klicker, Leavitt, Ley, Low, Manjarrez, Marshall, McClintock, McEntire, Orcutt, Paul, Penner, Richards, Rude, Rule, Schmick, Schmidt, Shavers, Steele, Stokesbary, Stuebe, Timmons, Volz, Walsh, Waters and Ybarra

Excused: Representatives Dent and Mendoza

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1119, having received the necessary constitutional majority, was declared passed.

With the consent of the House, the bills previously acted upon were immediately transmitted to the Senate.

The Speaker assumed the chair.

SIGNED BY THE SPEAKER

The Speaker signed the following bills:

HOUSE BILL NO. 1012
ENGROSSED HOUSE BILL NO. 1014
HOUSE BILL NO. 1046
ENGROSSED HOUSE BILL NO. 1052
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1149
SUBSTITUTE HOUSE BILL NO. 1171
ENGROSSED HOUSE BILL NO. 1173
ENGROSSED HOUSE BILL NO. 1185
SUBSTITUTE HOUSE BILL NO. 1244
SUBSTITUTE HOUSE BILL NO. 1308
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1332
HOUSE BILL NO. 1372
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1395
ENGROSSED HOUSE BILL NO. 1403
SECOND SUBSTITUTE HOUSE BILL NO. 1427
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1483
SUBSTITUTE HOUSE BILL NO. 1488
SECOND SUBSTITUTE HOUSE BILL NO. 1516
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1533
SUBSTITUTE HOUSE BILL NO. 1539
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1572
HOUSE BILL NO. 1605
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1620
HOUSE BILL NO. 1698
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1815
SUBSTITUTE HOUSE BILL NO. 1899
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1971
HOUSE JOINT MEMORIAL NO. 4002
SUBSTITUTE SENATE BILL NO. 5101
SENATE BILL NO. 5102
SUBSTITUTE SENATE BILL NO. 5104
SENATE BILL NO. 5110
SUBSTITUTE SENATE BILL NO. 5165
SUBSTITUTE SENATE BILL NO. 5191
SENATE BILL NO. 5199
SENATE BILL NO. 5224

SUBSTITUTE SENATE BILL NO. 5245
ENGROSSED SUBSTITUTE SENATE BILL NO. 5281
ENGROSSED SUBSTITUTE SENATE BILL NO. 5294
SENATE BILL NO. 5334
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5337
SUBSTITUTE SENATE BILL NO. 5351
SENATE BILL NO. 5361
SENATE BILL NO. 5375
SENATE BILL NO. 5435
SENATE BILL NO. 5455
SENATE BILL NO. 5473
SENATE BILL NO. 5478
SENATE BILL NO. 5485
SUBSTITUTE SENATE BILL NO. 5492
SUBSTITUTE SENATE BILL NO. 5494
ENGROSSED SUBSTITUTE SENATE BILL NO. 5509
ENGROSSED SENATE BILL NO. 5529
SENATE BILL NO. 5543
SUBSTITUTE SENATE BILL NO. 5545
ENGROSSED SUBSTITUTE SENATE BILL NO. 5557
ENGROSSED SUBSTITUTE SENATE BILL NO. 5611
SENATE BILL NO. 5616
SENATE BILL NO. 5632
SENATE BILL NO. 5669
ENGROSSED SENATE BILL NO. 5689
SENATE BILL NO. 5702
SUBSTITUTE SENATE BILL NO. 5714
SENATE BILL NO. 5716
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5745
SENATE JOINT MEMORIAL NO. 8004
SENATE JOINT RESOLUTION NO. 8201

The Speaker called upon Representative Timmons to preside.

There being no objection, the House adjourned until 10:00 a.m., Saturday, April 19, 2025, the 97th Day of the 2025 Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk