

2010 LEGISLATIVE SUMMARY FOR GOVERNMENT ATTORNEYS

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BAIL

Chapter Number	Effective Date	Bill Title	What the New Law Does
254	01/01/2011	Relating to bail for felony offenses	<p>Adds a new chapter to title 10 RCW. Some of the provisions will be dependent upon the passage of the proposed amendment to Art. I, sec. 20 of the Washington State Constitution.</p> <p>The new chapter requires that bail for the release of a person arrested and detained for a felony offense must be determined on an individualized basis by a judicial officer.</p> <p>The new chapter specifies available conditions of release. These basically track the current court rules, with the following additions:</p> <ol style="list-style-type: none"> 1. The defendant may be required to submit to testing to determine the defendant's compliance with a requirement that the defendant refrain from from possessing or consuming ny intoxicating liquors or drugs not prescribed to the defendant. 2. The defendant may be prohibited from operating a motor vehicle that is not equipped with an ignition interlock device. 3. The defendant, if placed on electronic monitoring, may not have a post-conviction period of reduced by the number of days spent on electronic monitoring. <p>If bail is denied to a defendant who is charged with one of the offenses that falls within the proposed amendment to Const. art. I, § 20, the defendant is entitled to expedited review of the decision in the court of appeals under a writ of habeas corpus. See RCW 7.36.160.</p> <p>Specific procedures for setting bail or denying bail are established, as are certain requirements for any order of release.</p>
256	06/10/2010	Relating to bail practices and procedures	<p>Creates a work group on bail practices. The membership includes two prosecutors selected by WAPA. The workgroup's final report is due December 1, 2010.</p>

Chapter Number	Effective Date	Bill Title	What the New Law Does
258	06/10/10 - Except §§ 3 and 4, which become effective 06/01/10	Relating to offenders on parole or probation	<p>RCW 9.94A.633 is amended to allow for the suspension of parole or probation of an offender who is charged with a new felony offense. Such an offender may be placed in total confinement pending disposition of the new criminal charges if: (a) The offender is on parole pursuant to RCW 9.95.110(1); or (b) The offender is being supervised pursuant to RCW 9.94A.745 and is on parole or probation pursuant to the laws of another state.</p> <p>Also directs the State to take certain actions regarding its participation in the interstate compact for adult offender supervision.</p>

CHILD SUPPORT

Chapter Number	Effective Date	Bill Title	What the New Law Does
279	06/10/2010	Relating to updating provisions concerning the modification, review, and adjustment of child support orders to improve access to justice and to ensure compliance with federal requirements	<p>Amends RCW 26.09.170 to allow a party to an order of child support may petition for a modification based upon a showing of substantially changed circumstances at any time.</p> <p>A provision is added to RCW 26.09.170 that specifies that “An obligor's voluntary unemployment or voluntary underemployment, by itself, is not a substantial change of circumstances.”</p> <p>Allows an adjustment or modification, without a showing of substantially changed circumstances, every 24 months. Such a change may be based upon changes in the income of the parents; or changes in the economic table or standards in chapter 26.19 RCW.</p> <p>Specifies when the department of social and health services may file an action to modify or adjust an order of child support in a nonassistance case.</p> <p>In modification hearings, the courts shall permit a party or witness to be deposed or to testify under penalty of perjury by telephone, audiovisual means, or other electronic means, unless good cause is shown for why they should appear in person.</p>

CONTROLLED SUBSTANCES

Chapter Number	Effective Date	Bill Title	What the New Law Does
9	06/10/2010	Relating to drug overdose prevention	<p>A new section is added to Chapter 69.50 RCW that provides immunity from prosecution for possession of a controlled substance pursuant to RCW 69.50.4013, for a person who seeks medical assistance for someone experiencing a drug-related overdose. A person who is actually experiencing the drug-related overdoses also receives immunity for prosecution for a violation of RCW 69.50.4013. The protection in this section from prosecution for possession crimes under RCW 69.50.4013 shall not be grounds for suppression of evidence in other criminal charges.</p> <p>A person acting in good faith may receive a naloxone prescription, possess naloxone, and administer naloxone to an individual suffering from an apparent opiate-related overdose.</p> <p>A new mitigator is added to RCW 9.94A.535, that allows for a sentence below the standard range if the defendant was making a good faith effort to obtain or provide medical assistance for someone who is experiencing a drug-related overdose.</p>
83	06/10/2010	Relating to authorizing Washington pharmacies to fill prescriptions written by advanced registered nurse practitioners in other states or in certain provinces of Canada	<p>Amends RCW 69.41.030 to allow a person to sell, deliver, or possess any legend drug upon the order or prescription of an advanced registered nurse practitioner who is licensed in Washington or in any province of Canada that shares a common border with the state of Washington or in any state of the United States.</p>
177	06/10/2010	Relating to conforming the uniform controlled substances act to existing state and federal law	<p>Adds both osteopathic physician assistant and naturopathic physician to the list of “practitioners” in RCW 69.50.101.</p> <p>Includes significant additions to the drugs listed in Schedule I, RCW 69.50.204, and alters the definition of isomer with respect to hallucinogenic substances.</p> <p>Expands the list of drugs included in Schedule II, RCW 69.50.206.</p> <p>With respect to Schedule III, RCW 69.50.208, the bill alters the definition of isomers, adds some new substances, expands the list of anabolic steroids, and significantly tweaks the narcotic drug provisions.</p> <p>Schedule IV, RCW 69.50.210, is expanded by 5 depressants, 2 stimulants, and 1 other substance.</p>

Chapter Number	Effective Date	Bill Title	What the New Law Does
			<p>Schedule V, RCW 69.50.212, has a few new substances added, and the removal of substances that have been reclassified to other schedules.</p> <p>RCW 69.50.402 is amended to allow prescriptions for nonnarcotic stimulants to be written for the treatment of multiple sclerosis.</p>
<p>182</p>	<p>06/10/2010</p>	<p>Relating to establishing a statewide electronic tracking system for the nonprescription sales of e p h e d r i n e , pseudoephedrine, and phenylpropanolamine</p>	<p>Amends RCW 69.43.105 to require any product containing any detectable quantity of ephedrine, pseudoephedrine, or phenylpropanolamine either behind a counter where the public is not permitted, or in a locked display case that can only be accessed by an employee of the merchant . The merchant must have the purchaser electronically or manually sign a record of the transaction. This record must include the name and address of the purchaser, the date and time of the sale, the name and initials of the merchant conducting the transaction, the name of the product being sold, as well as the total quantity in grams, of ephedrine, pseudoephedrine, or phenylpropanolamine being sold. A violation of the storage or record keeping requirements is a gross misdemeanor.</p> <p>RCW 69.43.110 is amended to prohibit a merchant from selling a total of more than 3.6 grams of ephedrine, pseudoephedrine, or phenylpropanolamine, their salts, isomers, or salts of isomers, in any twenty-four hour period or more than a total of nine grams per purchaser in any thirty-day period. A person, who is not a merchant, my not possess or acquire more than 3.6 grams in a 24 hour period or more than 9 grams in a 30 day period. A violation of these requirements is a gross misdemeanor.</p> <p>An electronic sales tracking system is anticipated by July 1, 2011, to assist merchants in tracking sales of ephedrine, etc. The records in this system</p> <p style="padding-left: 40px;">must be available to any general or limited authority Washington peace officer to enforce the provisions of this chapter or to federal law enforcement officers in accordance with rules adopted by the board of pharmacy regarding the privacy of the purchaser of products covered by this act and law enforcement access to the records submitted to the tracking system as provided in this section consistent with the federal combat meth act.</p> <p>Data from the electronic sales tracking system are exempt</p>

Chapter Number	Effective Date	Bill Title	What the New Law Does
			from the public records act.
284	06/10/2010	Relating to medical marijuana	<p>Defines the health care professionals who may recommend marijuana for medical use to include: (1) a physician licensed under chapter 18.71 RCW; (2) a physician assistant licensed under chapter 18.71A RCW; (3) an osteopathic physician licensed under chapter 18.57 RCW; (4) an osteopathic physicians' assistant licensed under chapter 18.57A RCW; (5) a naturopath licensed under chapter 18.36A RCW; and (6) an advanced registered nurse practitioner licensed under chapter 18.79 RCW.</p> <p>All recommendations must be written on tamper-resistant paper. The tamper-resistant paper requirement only applies to recommendations provided on or after June 10, 2010.</p>

COURTS (See also Land Use and Code Enforcement)

Chapter Number	Effective Date	Bill Title	What the New Law Does
22	06/10/2010	Relating to authorizing issuance of subpoenas for purposes of agency investigations of underground economic activity	An act adopted in response to <i>State v. Miles</i> , 160 Wn. 2d 236, 156 P.3d 864 (2007). Provides a process for the department of revenue, the department of labor and industries, and the employment security department to apply for court approval of an agency investigative subpoena which is authorized under current law in cases where the agency seeks such approval, or where court approval is required by Article 1, section 7.
49	06/10/2010	Relating to requiring the department of licensing to establish continuing education requirements for court reporters	Creates a continuing education requirement for court reporters.
98	06/10/2010	Relating to state certified court reporters	Amends RCW 5.28.010 by adding "state certified court reporter" to the list of persons who are authorized to take testimony in any action, suit or proceeding.
108	06/10/2010	Relating to process servers	Amends RCW 18.180.010 to require that most "for fee" process servers must be over the age of 18 and residents of Washington.

Chapter Number	Effective Date	Bill Title	What the New Law Does
118	06/10/2010	Relating to lawsuits aimed at chilling the valid exercise of the constitutional rights of speech and petition	<p>A new section is added to chapter 4.24 RCW to deal with "Strategic Lawsuits Against Public Participation" or "SLAPPs". The section allows a party to bring a special motion to strike any claim that is based on an action involving public participation and petition. The special motion receives priority handling, with a hearing not later than 30 days of the motion, and the court to issue its ruling within 7 days of the hearing. All discovery and any pending hearings or motions in the action are stayed upon the filing of a special motion. Every party has a right of expedited appeal from a trial court order on the special motion or from a trial court's failure to rule on the motion in a timely fashion. A prevailing moving party gets reasonable attorney's fees, costs and a \$10,000 award. A prevailing responding party only gets reasonable attorney's fees, costs and a \$10,000 award, if the court determines that the special motion to strike is frivolous or is solely intended to cause unnecessary delay.</p> <p>This section does not apply to "any action brought by the attorney general, prosecuting attorney, or city attorney, acting as a public prosecutor, to enforce laws aimed at public protection."</p>
149	06/10/2010	Relating to accrual of interest on judgments founded on tortious conduct	Amends RCW 4.56.110 to specify how interest will be calculated.
180	06/10/2010	Relating to the representation of children in dependency matters	RCW 13.34.100 is amended to require the department or supervising agency and the child's guardian ad litem to each notify a child of his or her right to request counsel and to determine whether the child wishes to have counsel. The notification must be given to the child on his or her 12th birthday, the assignment of a case involving a child who is 12 years of age or older, and on July 10, 2010, for every case pending on that date that involves a child who turned 12 years of age prior to July 10, 2010. The notice must be repeated annually and upon the filing of any motion or petition affecting the child's placement, services, or familial relationships. The court is also required to ask the child whether s/he desires the appointment of an attorney.
190	06/10/2010	Relating to oath requirements for interpreters	Add a new class of "registered" interpreters to chapter 2.43 RCW. Requires both "registered" and "certified" interpreters to regularly take an oath affirming that they will make a true interpretation to the person being examined of all the proceedings in a language which the person understands, and

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			that the interpreter will repeat the statements of the person being examined to the court or agency conducting the proceedings, in the English language, to the best of the interpreter's skill and judgment. Sets forth a specific inquiry a court must make before allowing a person to serve as an interpreter.
191	06/10/2010	Relating to allowing compensation for part-time judges' judicial services	Amends RCW 3.34.140 to clarify that a visiting part-time district court judge, when not serving in a judicial capacity in his or her district, shall be entitled to compensation for judicial services so long as the legislative authority of the county in which the visited district is located has approved the payment before the visit.

CRIME VICTIMS (See also Domestic Violence, Public Records, and Sex Offenses)

Chapter Number	Effective Date	Bill Title	What the New Law Does
122	06/10/10 - Except §§ 1 and 2, which become effective 04/01/10	Relating to the crime victims' compensation program	<p>Caps all benefits under RCW 7.68.070 at \$50,000 per claim.</p> <p>Caps burial benefits at \$5750 per claim. A request for burial benefits must be made within 12 months of the death being recognized as a homicide, or within 12 months of the release of the remains for burial.</p> <p>Caps the benefits for a permanent partial disability at \$7,000 per claim.</p> <p>A victim is not eligible for benefits if s/he has been convicted of a felony offense within five years preceding the criminal act for which they are applying where the felony offense is a violent offense under RCW 9.94A.030 or a crime against persons under RCW 9.94A.411, or is convicted of such a felony offense after applying; and has not completely satisfied all legal financial obligations owed prior to applying for benefits.</p> <p>Any excess damages collected by the AG or the county prosecutor in an action under RCW 9A.82.110 will now go to the crime victims' compensation account instead of the general account.</p>

Chapter Number	Effective Date	Bill Title	What the New Law Does
271	07/01/2010	Relating to refocusing the mission of the department of commerce, including transferring programs	The legislature directs the department of commerce to establish the community services and housing division to deliver essential services to individuals, families, and communities. This new division will be responsible for the following programs that are of interest to prosecutors: crime victims' advocacy and sexual assault services; community mobilization against substance abuse and violence; state drug task forces; and justice assistance grants.

DOMESTIC VIOLENCE

Chapter Number	Effective Date	Bill Title	What the New Law Does
274	06/10/2010	Relating to modifying domestic violence provisions	<p>Amends RCW 10.31.100 to specify that officers, in determining the primary aggressor, should consider whether the current conduct is part of an ongoing pattern of abuse.</p> <p>Requires prosecutors to provide judges who are considering the issuance of a no contact order under RCW 10.99.045, with information regarding the defendant's criminal history, if any, that occurred in Washington or any other state or any tribal jurisdiction and the defendant's individual order history.</p> <p>RCW 26.50.020 is amended to allow teenagers to seek protection orders by filing a petition with a court alleging that he or she has been the victim of violence in a dating relationship and the respondent is sixteen years of age or older. A person under the age of 16 must seek relief by a parent, guardian, guardian ad litem, or next friend. A "next friend" means any competent individual, over eighteen years of age, chosen by the minor and who is capable of pursuing the minor's stated interest in the action.</p> <p>A new section is added to chapter 26.50 that requires police officers to make a reasonable effort to accommodate the needs of a respondent, who special assistance due to a disability, brain injury, or impairment, when serving a protection order on the respondent.</p> <p>The available relief under RCW 26.50.060 and RCW 26.50.070 are expanded to include provisions restraining the respondent from harassing, following, keeping under physical or electronic surveillance, cyberstalking as defined</p>

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			<p>in RCW 9.61.260, and using telephonic, audiovisual, or other electronic means to monitor the actions, location, or communication of a victim of domestic violence, the victim's children, or members of the victim's household.</p> <p>New sections are added to chapter 26.50 RCW, chapter 10.14 RCW, and chapter 7.90 RCW that spell out when a court may exercise personal jurisdiction over a non-resident respondent.</p> <p>Requires all courts shall develop policies and procedures by January 1, 2011, to grant victims a process to modify or rescind a chapter 10.99 no-contact order.</p> <p>A new section is added to chapter 2.56 RCW that requires the administrative office of the courts to develop guidelines by December 1, 2011, for all courts to establish a process to reconcile duplicate or conflicting no-contact or protection orders issued by courts in this state.</p> <p>Amends various sections of the Sentencing Reform Act, chapter 9.94A RCW, to include certain non-felony DV offenses in the offender score when the current offense is a "felony domestic violence offense." To be a "felony domestic violence offense", the State must plead and prove the "family or household relationship." For a non-felony offense to count in the offender score, the State must have pled and proven the "family or household relationship."</p> <p>Exceptional sentence provisions are also amended by this act, which adds a new mitigator to RCW 9.94A.535: "The current offense involved domestic violence, as defined in RCW 10.99.020, and the defendant suffered a continuing pattern of coercion, control, or abuse by the victim of the offense and the offense is a response to that coercion, control, or abuse." The domestic violence aggravator at RCW 9.94A.535(2)(h) is expanded to cover defendants who engage in a pattern of abuse with multiple victims.</p> <p>A new section is added to chapter 10.99 RCW that directs courts of limited jurisdiction to consider specific factors when sentencing an offender in a DV case. This provision requires the prosecutor to provide the judge with information regarding the defendant's criminal history, if any, that occurred in Washington or any other state or any tribal jurisdiction and the defendant's individual order history. The available probation period for such offenders is expanded from 2 years to 5 years.</p> <p>Requires DV perpetrator treatment providers to be certified</p>

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			<p>by DSHS. Also requires such treatment programs to meet minimum standards.</p> <p>Creates a work group to address weapons and DV orders.</p> <p>Amends RCW 68.50.160 to prevent a person who has been arrested or charged first or second degree murder or first degree manslaughter, from controlling the disposition of the victim's remains.</p>

DUI and Ignition Interlocks (See also Vehicles and Vessels)

Chapter Number	Effective Date	Bill Title	What the New Law Does
53	06/10/2010	Relating to breath test instruments approved by the state toxicologist	Amends RCW 46.61.506 so as to allow for breath test machines that use either the current liquid simulator solution or the new dry gas external standards.
54	06/10/2010	Relating to increasing costs for administering a deferred prosecution	Amends RCW 10.01.160 by capping the costs for administering a deferred prosecution at two hundred fifty dollars, and costs for administering a pretrial supervision at one hundred fifty dollars.
214	06/10/2010	Relating to requiring a report to child protective services when a child is present in the vehicle of a person arrested for driving or being in control of a vehicle while under the influence of alcohol or drugs	Adds new sections to chapter 46.61 RCW and to chapter 26.44 RCW, both of which require an officer to promptly notify child protective services whenever a child, who is under the age of 13-years, is present in a vehicle being driven by his or her parent, guardian, or legal custodian and that person is being arrested for a drug or alcohol-related driving offense. Neither section requires an officer to take the child into custody if some responsible person can assume custody of the child.
268	06/10/2010	Relating to the regulation of ignition interlock devices	Adds a new section to chapter 43.43 RCW that allows the WSP to better regulate providers of ignition interlock devices.

Chapter Number	Effective Date	Bill Title	What the New Law Does
269	01/01/2011	R e l a t i n g t o a c c o u n t a b i l i t y f o r p e r s o n s d r i v i n g u n d e r t h e i n f l u e n c e o f i n t o x i c a t i n g l i q u o r o r d r u g s	<p>Significantly amends the provisions governing ignition interlock licenses. The provisions broaden the class of individuals who are eligible for such licenses, and sets forth the procedure for revoking such licenses.</p> <p>The portion of RCW 46.61.5055 that specifies when a court may waive the requirement that an offender obtain for an ignition interlock device, is amended to specify when a court may waive the requirement of applying for an ignition interlock device.</p> <p>The “within 7 years” for sentencing in RCW 46.61.5055 is amended to include offenses that occurred both before and after the commission of the instant offense. But, if a deferred prosecution is revoked based on a subsequent conviction for an offense listed in this subsection (14)(a), the subsequent conviction shall not be treated as a prior offense of the revoked deferred prosecution for the purposes of sentencing.</p> <p>A new section is added to chapter 46.61 RCW that provides immunity to municipal or county probation or supervision departments once they verify that the ignition interlock device has been installed in the offender’s vehicle. This section, however, speaks of an offender being required to install an ignition interlock device “<i>on all motor vehicles.</i>” To avoid saddling defendants who have more than one vehicle with the cost of multiple ignition interlocks and to reduce county/city liability, judgment and sentences should specify by license plate number those vehicles that the court expects to be equipped with ignition interlock devices.</p> <p>RCW 46.20.410 is amended to make it a gross misdemeanor to violate any restriction of an ignition interlock license.</p> <p>The following language is added to RCW 46.20.342(1)(b), and (1)(c), which define second degree DWLS and third degree DWLS:</p> <p style="padding-left: 40px;">For the purposes of this subsection, a person is not considered to be eligible to reinstate his or her driver's license or driving privilege if the person is eligible to obtain an ignition interlock driver's license but did not obtain such a license.</p>

ELECTIONS AND FELON VOTING RIGHTS

Chapter Number	Effective Date	Bill Title	What the New Law Does
32	06/10/2010	Relating to ballot design	Requires each ballot to have a clear delineation between the ballot instructions and the first ballot measure or office through the use of white space, illustration, shading, color, symbol, font size, or bold type. The secretary of state shall establish standards for ballot design and layout.
125	06/10/2010	Relating to ballot envelopes	Secrecy flaps on return envelopes for ballots are made optional.

EMPLOYMENT AND PERSONNEL

Chapter Number	Effective Date	Bill Title	What the New Law Does
47	06/10/2010	Relating to the authority of counties, cities, and towns to request criminal background checks from the Washington state patrol	Adds a new section to Chapter 36.01 RCW, that allows counties to enact an ordinance that requires a state and federal background investigation of license applicants or licensees in occupations specified by ordinance for the purpose of receiving criminal history record information by county officials. The investigation must go through the Washington State Patrol identification and criminal history section.
91	06/10/2010	Relating to military leave for public employees	Amends RCW 38.40.060 to specify that an officer or employee shall be charged military leave only for days that he or she is scheduled to work for the state or the county, city, or other political subdivision.

FELONY SENTENCING (See also Misc. Crimes, Domestic Violence, DUI, and Vehicles and Vessels)

Chapter Number	Effective Date	Bill Title	What the New Law Does
224	06/10/2010	Relating to creating alternatives to total confinement for nonviolent offenders with minor children	<p>A new section is added to chapter 9.94A RCW that creates a “parenting sentencing alternative.” To be eligible, the offender’s standard range must exceed one year, the offender must have no prior or current convictions for a felony sex offense or violent offense, the offender must not be subject to deportation, the offender must agree to allow DOC and the courts to share information regarding prior or current child welfare cases, and the offender must have physical custody of his or her minor child or is a legal guardian or custodian with physical custody of a child under the age of eighteen at the time of the current offense.</p> <p>DOC can be ordered to complete risk assessments when a court is considering this option. If this option is deemed appropriate, the court “shall waive imposition of a sentence within the standard sentence range and impose a sentence consisting of twelve months of community custody.”</p> <p>A court may bring the offender before it for review. A court may order the offender to serve a term of total confinement within the standard range for a violation. The offender is entitled to credit against such a sentence for the time served on community custody.</p> <p>Amends RCW 9.94A.734 to authorize home detention for the final 12 months of a sentence, if participating in the DOC parenting program, for violent offenses, sex offenses, etc.</p> <p>In a provision that may reduce the number of PRPs, this act also amends RCW 9.94A.729 to allow DOC to approve a jail certification from a correctional agency that calculates earned release time based on the actual amount of confinement time served by the offender before sentencing when an erroneous calculation of confinement time served by the offender before sentencing appears on the judgment and sentence.</p>
171	06/10/2010	Relating to allowing the department of social and health services to adopt rules establishing standards for the review and certification of treatment facilities under the problem and pathological gambling treatment program	<p>Amends RCW 43.20A.890 to authorize DSHS to adopt rules establishing standards for the review and certification of treatment facilities for pathological gambling.</p> <p>[Editor’s note: Prosecutors, who extend probation, diversion programs, or sentencing alternatives to a defendant because of a gambling program, may want to request that courts require the defendant to participate in a certified treatment program.]</p>

FINANCIAL EXPLOITATION AND REGULATION OF BANKS, CREDIT UNIONS, LENDERS, AND ESCROW AGENTS

Chapter Number	Effective Date	Bill Title	What the New Law Does
<u>34</u>	06/10/2010	Relating to escrow agents	<p>RCW 18.44.171 makes it a misdemeanor to engage in business as an escrow agent without a license. This bill amends RCW 18.44.021(2) to limit the exemption from the licensing requirement that was previously granted to attorneys. Now, an attorney must obtain a license as an escrow agent if the attorney receives separate compensation or gain for escrow services, or if the attorney provides escrow services under a legal entity that is different than the attorney’s law practice. Further,</p> <p style="padding-left: 40px;">Any attorney who is principally engaged as an escrow agent is required to be licensed. If an attorney holds himself or herself out publicly as being able to perform the services of an escrow agent, he or she is principally engaged as an escrow agent.</p>
<u>35</u>	07/01/2010	Relating to licensing residential mortgage loan servicers through the national mortgage licensing service and clarifying the existing authority of the department of financial institutions to regulate residential mortgage loan modification services under the consumer loan act and mortgage broker practices act	<p>RCW 31.04.175 makes it a gross misdemeanor to violate any provision of Chapter 31.04 RCW.</p> <p>RCW 19.146.110 makes it a misdemeanor to violate any provision of Chapter 19.146.050, other than a violation of RCW 19.146.050, which is a class C felony.</p> <p>This Act extends the reaches of both chapters to “loan originators” and to individuals providing “residential mortgage loan modification services.” Licensing requirements, disclosure requirements, and special rules regarding compensation and deposits are all addressed by the act.</p>
<u>87</u>	03/17/2010	Relating to credit union regulatory enforcement powers	<p>Adds a new misdemeanor offense to RCW 31.12.850. The new provision states that “[i]t is unlawful for any person to knowingly make or disseminate a false report or other misrepresentation about the financial condition of any credit union.”</p>
<u>88</u>	03/17/2010	Relating to state-chartered commercial banks, trust companies, savings banks, and their holding companies	<p>Tweaks a number of misdemeanor and gross misdemeanor offenses contained in Chapters 30.04, 30.12, 32.04, and 32.16 RCW.</p> <p>Extends the class B felonies in RCW 32.04.100, 32.04.110, 30.12.090 and RCW 30.12.100, to “holding companies.”</p>

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			<p>Extends the class B felony in RCW 32.24.080 to “board directors”.</p> <p>Limits the class B felony in RCW 30.44.110 to “[e]very director, officer, or employee of a bank or trust company”.</p>
<p>133</p>	<p>06/10/2010</p>	<p>Relating to vulnerable adults</p>	<p>Financial Exploitation</p> <p>Allows a financial institution to refuse a transaction if it reasonably believes that financial exploitation of a vulnerable adult, as defined in RCW 74.34.020, may have occurred, may have been attempted, or is being attempted.</p> <p>A financial institution may also refuse to disburse funds if the department, law enforcement, or the prosecuting attorney's office provides information to the financial institution demonstrating that it is reasonable to believe that financial exploitation of a vulnerable adult may have occurred, may have been attempted, or is being attempted.</p> <p>Provides immunity to a financial institution that refuses to disburse funds or that disburses funds if the financial institution acts in good faith.</p> <p>Expands the definition of “financial institution” for “permissive reporters” of abuse under chapter 74.34 RCW to include a “‘broker-dealer’ or ‘investment adviser’ as defined in RCW 21.20.005.”</p> <p>Financial institutions are required to provide training concerning the financial exploitation of vulnerable adults to certain employees. A financial institution may provide access to or copies of records that are relevant to suspected financial exploitation or attempted financial exploitation of a vulnerable adult to the department, law enforcement, or the prosecuting attorney's office, either as part of a referral or upon request . The records may include historical records as well as records relating to the most recent transaction or transactions that may comprise financial exploitation. A financial institution that provides such information in good faith is immune from criminal, civil, or administrative liability.</p> <p>Death of Vulnerable Adults</p> <p>Mandated reporters of abuse of vulnerable adults must report any reasonable suspicion that the death of a vulnerable adult was caused by abuse, neglect, or abandonment by another person to the medical examiner or coroner having jurisdiction, as well as the department and local law</p>

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			enforcement, in the most expeditious manner possible. A mandated reporter is not relieved from the reporting requirement by the existence of a 1 previously signed death certificate. If abuse, neglect, or abandonment caused or contributed to the death of a vulnerable adult, the death is a death caused by unnatural or unlawful means, and the body shall be the jurisdiction of the coroner or medical examiner pursuant to RCW 68.50.010.

FISHING, HUNTING, AND NATURAL RESOURCES

Chapter Number	Effective Date	Bill Title	What the New Law Does
193	06/10/2010	Relating to creating tools to enhance the department of fish and wildlife's ability to manage shellfish resources	Adds new crimes to chapter 77.15: (1) unlawful use of shellfish gear for commercial purposes, a gross misdemeanor; and (2) guilty of the unlawful use of shellfish gear for personal use purposes, a misdemeanor. Amends the crimes contained in: (1) RCW 77.70.500 (removal of crab pots); RCW 77.15.520 (commercial fishing using unlawful gear or methods); RCW 77.15.380 (recreational fishing in the second degree); and RCW 77.15.750 (unlawful use of a department permit).

JAILS AND CORRECTIONAL FACILITIES

Chapter Number	Effective Date	Bill Title	What the New Law Does
181	06/10/2010	Relating to the use of restraints on pregnant women or youth	Except in extraordinary circumstances, this Act prohibits the use of restraint of any kind on any pregnant woman or youth incarcerated in a correctional facility during transportation to and from visits to medical providers and court proceedings during the third trimester of her pregnancy, or during postpartum recovery.

Chapter Number	Effective Date	Bill Title	What the New Law Does
226	06/10/2010	Relating to providing education programs for juveniles in adult jails	<p>Requires school districts to provide educational services to individuals, who are under the age of 18, and who are currently housed in jails operated under the authority of chapter 70.48 RCW.</p> <p>Jail superintendents must make security and other provisions for the delivery of educational services, and must enter into contracts with the local school district. Finally, jail superintendents must notify the school district within which the adult jail facility resides within five school days that an eligible juvenile inmate has been incarcerated in the adult jail facility.</p>

JUVENILES (See also Courts, Sex Offenders, and Traffic)

Chapter Number	Effective Date	Bill Title	What the New Law Does
134	06/10/2010	Relating to the modification of restitution in juvenile cases	<p>Amends RCW 13.40.190 to specify that restitution may include the costs of counseling reasonably related to the offense.</p> <p>The restitution award may be modified as to amount, terms and conditions up until ten years after the respondent's eighteenth birthday. Prior to this date, the juvenile court may extend the judgment for the payment of restitution for an additional ten years.</p>
150	06/10/2010	Relating to restricting access to juvenile offender records	<p>Amends RCW 13.50.050 to authorize the sealing of all offenses except for juvenile sex offenses.</p> <p>Class A non-sex offenses may be sealed after the offender has spent five consecutive years in the community without committing any offense or crime that subsequently results in an adjudication or conviction, no proceeding is pending against the offender seeking his conviction of a juvenile offense or a criminal offense, no pending proceeding seeking the formation of a diversion agreement with the offender at person, and full restitution has been paid.</p> <p>Class B, C, gross misdemeanors, misdemeanors and diversions, that are not sex offenses, require the offender to</p>

Chapter Number	Effective Date	Bill Title	What the New Law Does
			<p>have spent two consecutive years in the community without being convicted of any offense or crime, no proceedings pending against the offender seeking his conviction of a juvenile offense or a criminal offense, and no pending proceeding seeking the formation of a diversion agreement with the offender at person, and full restitution has been paid.</p>
176	06/10/2010	<p>Relating to defining child advocacy centers for the multidisciplinary investigation of child abuse and implementation of county protocols</p>	<p>Defines the term “children's advocacy center” in RCW 26.44.020.</p> <p>RCW 26.44.180 specifies that the protocols should be amended to also address coordination of investigations with children's protective services, children's advocacy centers, where available, and community sexual assault programs, as defined in RCW 70.125.030.</p> <p>RCW 26.44.185 directs the inclusion of children’s advocacy centers, where available, in existing child sexual abuse investigation protocols.</p>
229	06/10/2010	<p>Relating to the safety of runaway youth</p>	<p>RCW 13.32A.082 is expanded to require unlicensed youth shelters or runaway and homeless youth programs to promptly report the location of the child to the parent, the law enforcement agency of the jurisdiction in which the person lives, or the department. Licensed shelters, absent compelling reasons not to make the notification, must contact the youth's parent, preferably within twenty-four hours but within no more than seventy-two hours following the time that the youth is admitted to the shelter or other licensed organization's program. Licensed shelters must also regularly check the WSP publicly available info to see if one of the youths they are housing is listed as missing. If so, the shelter must immediately notify the department of its contact with the your listed as missing.</p> <p>RCW 43.43.510 is amended to allow the WSP to, at the request of a parent, legal custodian, or guardian who has reported a child as having run away from home or the custodial residence, make public information about a runaway child.</p>

LAND USE AND CODE ENFORCEMENT (See also Law Vehicles and Vessels)

Chapter Number	Effective Date	Bill Title	What the New Law Does
59	06/10/2010	Relating to the definition of land use decision in the land use petition act	<p>Adds a provision to RCW 36.70C.020 that explains how to handle a local government’s reconsideration procedure:</p> <p style="padding-left: 40px;">Where a local jurisdiction allows or requires a motion for reconsideration to the highest level of authority making the determination, and a timely motion for reconsideration has been filed, the land use decision occurs on the date a decision is entered on the motion for reconsideration, and not the date of the original decision for which the motion for reconsideration was filed.</p>
79	06/10/2010	Relating to time limitation for approval of plats	<p>Amends RCW 58.17.140, by expanding the time limit for submitting a final plat to the legislative body of the city, town, or county for approval from five years to seven years of the date of preliminary plat approval.</p> <p>Similar change is made to RCW 58.17.170.</p> <p>The 2 year extensions contained in both statutes expire on December 31, 2014.</p>
107	03/18/2010	Relating to clarifying the integration of shoreline management act policies with the growth management act	<p>The legislature clarifies that development regulations adopted under the growth management act to protect critical areas apply within shorelines of the state, and that the adoption or update of critical area regulations under the growth management act is not automatically an update to the shoreline master program. This clarification is remedial and retroactive to July 27, 2003.</p>
148	06/10/2010	Relating to the inspection of rental properties	<p>Sets out a comprehensive scheme for inspecting rental properties as a condition for issuing a business license to a landlord.</p> <p>Creates a new gross misdemeanor for knowingly submitting or assisting in the submission of a falsified certificate of inspection, or knowingly submitting falsified information upon which a certificate of inspection is issued. This may be a “fine only” crime as the offense states that “in addition to the penalties provided for in subsection (9) of this section, guilty of a gross misdemeanor and must be punished by a fine of not more than five thousand dollars.”</p> <p>Amends RCW 59.18.150 by adding a provision that</p>

Chapter Number	Effective Date	Bill Title	What the New Law Does
			<p>authorizes the issuance of a search warrant to “a code enforcement official of the state or of any county, city, or other political subdivision for the purpose of allowing the inspection of any specified dwelling unit and premises to determine the presence of an unsafe building condition or a violation of any building regulation, statute, or ordinance.” The person requesting the search warrant must establish probable cause to believe that a violation of a state or local law, regulation, or ordinance regarding rental housing exists and that the violation endangers the health or safety of the tenant or adjoining neighbors. In addition, the affidavit must contain a statement that consent to inspect has been sought from the owner and the tenant but could not be obtained because the owner or the tenant either refused or failed to respond within five days, or a statement setting forth facts or circumstances reasonably justifying the failure to seek such consent. The Act further specifies the factors the judge may consider in issuing the warrant are set out, the contents of the warrant, and the manner in which the warrant may be served. Any person who willfully refuses to permit inspection, obstructs inspection, or aids in the obstruction of an inspection of property authorized by warrant is subject to remedial and punitive sanctions for contempt of court under chapter 7.21 RCW.</p>
175	06/10/2010	Relating to the housing of homeless persons on property owned or controlled by a church	<p>Adds a new section to Chapter 36.01 that authorizes religious organizations to host temporary encampments for the homeless on their properties and that restricts the scope of ordinances a county may enact regarding such temporary encampments. Immunity is given to county officials and employees for “(a) damages arising from the permitting decisions for a temporary encampment for the homeless as provided in this section and (b) any conduct or unlawful activity that may occur as a result of the temporary encampment for the homeless as provided in this section.”</p> <p>The law does not restrict or alter application of county zoning and land use regulations allowable under established law to real property owned by a religious organization, regardless of whether the property owned by the religious organization is used to provide shelter or housing to homeless persons.</p>
210	§§ 1, 3, 5, 7, 9-14, and 16-42 become	R e l a t i n g t o environmental and land use hearings boards	Reduces and consolidates the number of state boards that conduct administrative review of environmental and land use decisions. Makes the timelines for filing appeals with such boards more uniform. Consolidates administratively and

Chapter Number	Effective Date	Bill Title	What the New Law Does
	effective 07/01/10; §§ 2, 4, 6, 15, 43, and 46 become effective 07/01/11; and § 8 becomes effective 06/30/19		physically collocates the growth management hearings boards into the environmental and land use hearings office by July 1, 2011
211	07/01/2010	Relating to restructuring three growth management hearings boards into one board	Replaces the three existing growth management hearings board with one. The seven members of the new board must be geographically diverse.

LAW ENFORCEMENT (See also Public Records Act)

Chapter Number	Effective Date	Bill Title	What the New Law Does
117	06/10/2010	Relating to limiting access to law enforcement and emergency equipment and vehicles	Amends RCW 46.37.195 to require that no emergency vehicle may be sold or donated to a person or entity that is not a public law enforcement or emergency agency or private ambulance business, until all emergency lighting, radios, and other emergency equipment is removed from the vehicle. The sale or donation to a broker specializing in the resale of emergency vehicles, or a charitable organization, intending to deliver the vehicle or equipment to a public law enforcement or emergency agency within or outside the state, may occur with the emergency equipment still installed and intact.
127	06/10/2010	Relating to local excise tax provisions for counties and cities	Amends RCW 82.14.340 to remove the “non-supplanting” language related to the criminal justice purposes tax.
132	06/10/2010	Relating to crime-free rental housing	This act provides certain requirements that a local government must follow in adopting a crime-free rental housing program.

Chapter Number	Effective Date	Bill Title	What the New Law Does
143	06/10/2010	Relating to membership of the Washington state forensic investigations council	Amends RCW 43.103.040 by adding a 13th member to the forensic investigations council. The newly added member must be an “attorney whose practice of law includes significant experience representing clients charged with criminal offenses.”
264	06/10/2010	Relating to issuing firearms certificates to retired law enforcement officers	Amends RCW 36.28A.090, which establishes a process for issuing firearms certificates to residents of Washington who are otherwise qualified retired law enforcement officers under the federal law enforcement officers safety act of 2004 (118 Stat. 865; 18 U.S.C. 10 Sec. 926B and 926C). A new subsection added to this section provides that “Nothing in this section shall be deemed to require a local law enforcement agency to complete the certificate.”
294	06/10/2010	Relating to law enforcement officer conduct	Adds a new section to chapter 43.101 RCW that states: It is the policy of the state of Washington that all commissioned, appointed, and elected law enforcement personnel comply with their oath of office and agency policies regarding the duty to be truthful and honest in the conduct of their official business.

MALICIOUS HARASSMENT

Chapter Number	Effective Date	Bill Title	What the New Law Does
119	06/10/2010	Relating to the definition of threat	Amends RCW 9A.36.080 to limit the type of “threats” that will support a prosecution for malicious harassment, while expanding the temporal period within which the threat is to be carried out. Now the crime is supported by a communicated intent to: <ul style="list-style-type: none"> • Cause bodily injury immediately or in the future to the person threatened or to any other person; or • Cause physical damage immediately or in the future to the property of a person threatened or that of any other person.

MENTAL HEALTH: INVOLUNTARY COMMITMENT, COMPETENCY, INSANITY, AND SVP

Chapter Number	Effective Date	Bill Title	What the New Law Does
28	06/10/2010	Relating to escape or disappearance notification requirements	Amends RCW 10.77.165 to require the superintendent of a state facility to immediately notify state and local law enforcement of the escape or disappearance of a person who has been committed to the facility pursuant to Chapter 10.77 RCW.
208	06/10/2010	Relating to the detention and interstate transfer of persons found not guilty by reason of insanity	Adds a new section to chapter 71.05 RCW that provides a mechanism for detaining an individual, who was found not guilty by reason of insanity in another state and who fled that state, so the person can be returned to the other state.
218	06/10/2010	Relating to controlling computer access by residents of the special commitment center	SVP detainees may be prohibited from possessing or accessing a personal computer if the resident's individualized treatment plan states that access to a computer is harmful to bringing about a positive response to a specific and certain phase or course of treatment. Someone subject to such a restriction will be able to use a computer that lacks access to the internet.
262	06/10/2010	Relating to restricting outings from state facilities	Adds a new section to chapter 10.77 RCW that restrict when a person committed to the custody of the department for the determination of competency to stand trial under RCW 10.77.060, the restoration of competency for trial under RCW 10.77.084, 10.77.086, or 10.77.088, or following an acquittal by reason of insanity shall be authorized to leave the facility where the person is confined. Requires notification to any county or city law enforcement agency in the location of the leave destination.
263	06/10/2010	Relating to improving procedures relating to the commitment of persons found not guilty by reason of insanity	<p>An independent public safety review panel is created. The panel will advise both the secretary and the courts re NGI acquittees' change in commitment status, furloughs or temporary leaves, and movement about the grounds.</p> <p>A new section is added to chapter 10.77 RCW that allows the secretary to have an NGI acquittee housed in a DOC facility when such an acquittee poses an unreasonable safety risk in a state hospital setting.</p> <p>Another new section added to chapter 10.77 RCW directs a search for validated mental health assessment tools to be used by individuals performing court-ordered competency assessments and level of risk assessments of defendants pursuant to chapter 10.77 RCW; and in developing recommendations to courts as to the appropriateness of</p>

Chapter Number	Effective Date	Bill Title	What the New Law Does
			<p>conditional release from inpatient treatment of criminally insane patients pursuant to chapter 10.77 RCW.</p> <p>RCW 10.77.150 and RCW 10.77.200 are amended to allow the secretary to bring actions for conditional release or total release where an NGI acquittee chooses not to bring such an action.</p> <p>An amendment to RCW 10.77.150 addresses the problem of NGI acquittees, who are “okay” only when they take their medications or refrain from substance abuse:</p> <p style="padding-left: 40px;">For purposes of this section, a person affected by a mental disease or defect in a state of remission is considered to have a mental disease or defect requiring supervision when the disease may, with reasonable medical probability, occasionally become active and, when active, render the person a danger to others. Upon a finding that the petitioner has a mental disease or defect in a state of remission under this subsection, the court may deny release, or place or continue such a person on conditional release.</p> <p>Finally, a new section is added to chapter 10.77 RCW that requires the secretary to supervise a conditionally released person's compliance with the court-ordered conditions of release.</p>
280	06/10/10 - Except §§ 2 and 3, which become effective 01/01/12	Relating to evaluations of persons under the involuntary treatment act	<p>RCW 71.05.212 is amended to require the designated mental health professional to consider all reasonably available info from “credible witnesses” when conducting an evaluation for offenders identified under RCW 72.09.370. “Credible witnesses” may include family members, landlords, neighbors, or others with significant contact and history of involvement with the person.</p> <p>RCW 71.05.245 requires the judge, in determining whether a person is gravely disabled or presents a likelihood of serious harm in a hearing conducted under RCW 71.05.240 or 71.05.320, to consider the symptoms and behavior of the respondent in light of all available evidence concerning the respondent's historical behavior. “Symptoms or behavior which standing alone would not justify civil commitment may support a finding of grave disability or likelihood of serious harm when: (a) Such symptoms or behavior are closely associated with symptoms or behavior which</p>

Chapter Number	Effective Date	Bill Title	What the New Law Does
			<p>preceded and led to a past incident of involuntary hospitalization, severe deterioration, or one or more violent acts; (b) these symptoms or behavior represent a marked and concerning change in the baseline behavior of the respondent; and (c) without treatment, the continued deterioration of the respondent is probable.”</p> <p>A new section is added to chapter 71.05 RCW that requires notification to be given to the designated mental health professional in the county where a released person is expected to reside, that a person, who is the subject of an involuntary commitment order under chapter 71.05 RCW, is being discharged from an evaluation and treatment facility or state hospital.</p> <p>A new section is added to chapter 9.94A RCW that requires a judge, prior to imposing any LFO’s, other than restitution or the victim penalty assessment, upon a defendant who suffers from a mental health condition, to determine that the defendant has the means to pay such additional sums. For this purpose, a defendant suffers from a mental health condition when the defendant has been diagnosed with a mental disorder that prevents the defendant from participating in gainful employment, as evidenced by a determination of mental disability as the basis for the defendant's enrollment in a public assistance program, a record of involuntary hospitalization, or by competent expert evaluation.</p>

MISCELLANEOUS CRIMES

Chapter Number	Effective Date	Bill Title	What the New Law Does
24	07/01/2010	Relating to penalties for engaging in, or advertising to engage in, solid waste collection without a solid waste collection certificate	<p>Amends RCW 81.77.040 to clarify that a solid waste collection company may not advertise, solicit, offer, or enter into an agreement to provide that service, without first having obtained from the commission a certificate declaring that public convenience and necessity require such solid waste collection services.</p> <p>Adds a unit of prosecution to RCW 81.77.090, which makes a violation of RCW 81.88.040 a gross misdemeanor. Now, “[e]ach advertisement reproduced, broadcast, or displayed via a particular medium constitutes a separate violation under this chapter.”</p>

Chapter Number	Effective Date	Bill Title	What the New Law Does
29	06/10/2010	Relating to fees for locating surplus funds from county governments, real estate property taxes, assessments, and other government lien foreclosures or charges	Expands the misdemeanor offense contained in RCW 63.29.350(1) to cover individuals, who charge more than 5 percent of the value of monies recovered from funds held by a county that are proceeds from a foreclosure for delinquent property taxes, assessments, or other liens, or, funds that are otherwise held by a county because of a person's failure to claim funds held as reimbursement for unowed taxes, fees, or other government charges, for locating such funds.
66	06/10/2010	Relating to animal inspection	<p>This bill adds new provisions to Chapter 16.36 RCW concerning "certificates of veterinary inspection" Violations of these new provisions are a crime under RCW 16.36.110(1), which states that "Any person who violates any provision of this chapter or the rules adopted under this chapter shall be guilty of a gross misdemeanor. Each day upon which a violation occurs constitutes a separate violation."</p> <p>Amends the crime contained at RCW 16.57.280, to require that a self-inspection certificate for a horse or a cattle must meet new requirements set out in RCW 16.57.010.</p>
67	06/27/2011	Relating to crop adjusters	Adds a new class B felony (<i>see</i> RCW 48.17.063(2)) to RCW 48.17.060– act or holding oneself out as a crop adjuster, when unlicensed to do so.
106	07/01/10 - Except § 212, which becomes effective 01/01/11 and § 236, which becomes effective 01/01/14	Relating to improving the administration of state and local tax programs without impacting tax collections by providing greater consistency in numerous tax incentive programs, revising provisions relating to the confidentiality and disclosure of tax information, and amending statutes to improve clarity and consistency, eliminate obsolete provisions, and simplify administration	<p>Section 104 amends the type of tax information, the unauthorized disclosure of which, is a misdemeanor pursuant to RCW 82.32.330.</p> <p>Some other sections make cosmetic changes to other non-felony offenses related to tax collection.</p>
112	06/10/10 - Except §§ 2, 3, 11, 12,	Relating to documenting wholesale sales for excise tax purposes	Sec. 8 includes cosmetic changes to RCW 82.08.050(2) and (8) which contains one gross misdemeanors that is applicable to sellers and one gross misdemeanor that is applicable to

Chapter Number	Effective Date	Bill Title	What the New Law Does
	and 15, which become effective 07/01/10		<p>buyers.</p> <p>Sec. 11 amends RCW 82.32.290(1) which makes it a misdemeanor “[f]or any purchaser to fraudulently sign or furnish to a seller documentation authorized under RCW 82.04.470 without intent to resell the property purchased or with intent to otherwise use the property in a manner inconsistent with the claimed wholesale purchase.”</p>
129	06/10/10 - Except §§ 7 through 10, which become effective 07/01/11; and § 5, which becomes effective 07/01/12	Relating to architects	<p>RCW 18.08.460(1) makes it a misdemeanor to violate an provision of chapter 18.08.</p> <p>This bill extensively amends the licensing laws for architects that are contained in RCW 18.08.460. These changes will affect any criminal prosecutions under this chapter.</p>
158	06/10/2010	Relating to including renovation activities as defined in the environmental protection agency's renovation, repair, and painting rule in the lead-based paint program	<p>Extends the reach of chapter 70.103 RCW to renovators and dust sampling technicians and to renovations. Renovators and dust sampling technicians are now subject to the misdemeanor set forth in RCW 70.103.080(4) for “violating any provisions of this chapter.”</p>
286	06/10/10 - Except § 17, which becomes effective 07/01/10; and § 18, which becomes effective 08/01/10	Relating to East Asian medicine practitioners	<p>The term “acupuncturists” in numerous statutes is replaced by the term “East Asian medicine practitioners.”</p> <p>Impacted crimes include RCW 18.06.130 and RCW 18.06.140. RCW 18.06.140's requirement of obtaining a waiver from a patient prior to providing services is expanded.</p>

PUBLIC RECORDS AND OPEN GOVERNMENT

Chapter Number	Effective Date	Bill Title	What the New Law Does
69	06/10/2010	Relating to responses to public records requests	<p>This act encourages agencies to make commonly requested records available on their web sites. Amends RCW 42.56.520 to allow an agency to respond to a public records request by</p> <p>providing an internet address and link on the agency's web site to the specific records requested, except that if the requester notifies the agency that he or she cannot access the records through the internet, then the agency must provide copies of the record or allow the requester to view copies using an agency computer</p>
128	06/10/2010	Relating to the unanimous recommendations of the public records exemptions accountability committee	<p>Amends that portion of RCW 70.05.170 that relates to information collected as part of a child mortality review.</p> <p>Adds a new subsection to RCW 42.56.360 that protects infant mortality reviews from public records act requests. Also protects from disclosure “[a]ll documents, including completed forms, received pursuant to 6 a wellness program under RCW 41.04.362.”</p> <p>Amends RCW 42.56.330 to allow for the release of personally identifying information of persons who acquire and use transit passes and other fare payment media “to law enforcement agencies if the request is accompanied by a court order.”</p>
257	06/10/2010	Relating to disclosure of public records containing information used to locate or identify employees of criminal justice agencies	<p>Adds a new exemption to RCW 42.56.250 that restricts the release of photographs and the month and year of birth of employees and workers of criminal justice agencies as defined in RCW 10.97.030. Unincarcerated members of the news media may have access to photographs and the full dates of birth.</p>
266	06/10/2010	Relating to a person's identifying information submitted in the course of using the electronic statewide unified sex offender notification and registration program for the purpose of receiving notification regarding registered sex offenders	<p>Adds a new exemption from public records act requests to RCW 36.28A.040 and to RCW 42.56.240 for information submitted to the Washington association of sheriffs and police chiefs' electronic statewide unified sex offender notification and registration program by a person for the purpose of receiving notification regarding a registered sex offender.</p>

RENDERING CRIMINAL ASSISTANCE

Chapter Number	Effective Date	Bill Title	What the New Law Does
255	06/10/2010	Relating to rendering criminal assistance in the first degree	Limits the gross misdemeanor penalty for violations of RCW 9A.76.070 to defendants who were less than 18 years of age on the date of the offense and who were providing assistance to relatives. The felony offense is elevated from a class C felony to a class B felony.

SEX OFFENSES AND OFFENDERS (See also Mental Health)

Chapter Number	Effective Date	Bill Title	What the New Law Does
227	06/10/2010	Relating to protecting children from sexual exploitation and abuse	<p>Responds to <i>State v. Sutherby</i>, 204 P.3d 916 (2009), by creating a per depiction or image unit of prosecution for convictions under RCW 9.68A.050, 9.68A.060, and 9.68A.070, for offenses in the first degree, of have, while the second degree offenses under RCW 9.68A.050, 9.68A.060, and 9.68A.070 have a per incident unit of prosecution.</p> <p>First degree dealing/sending or bringing is a class B felony, with a seriousness level of VII. Second degree is a class C felony with a seriousness level of V.</p> <p>First degree possession is a class B felony, with a seriousness level of VI. Second degree is a class C felony, with a seriousness level of IV.</p> <p>First degree viewing is a class B felony, with a seriousness level of IV. Second degree is an unranked class C felony.</p> <p>Adds a new section to chapter 9.68A RCW that excludes lawful conduct between spouses.</p> <p>Adds a definition to RCW 9.68A.011 for the phrase “internet session.” In this same section, language is added that to clarify that it is not necessary that a minor know that the minor is participating in conduct that produces a depiction of the genitals or unclothed pubic or rectal areas of any minor, or the unclothed breast of a female minor, for the purpose of sexual stimulation of the viewer.</p> <p>RCW 9.68A.050 is split into two levels of offense. First</p>

Chapter Number	Effective Date	Bill Title	What the New Law Does
			<p>degree is essentially the existing offense of dealing in depictions of a minor engaged in sexually explicit conduct such as penetration of the rectum or vagina, masturbation, sadomasochistic abuse, etc. . Second degree dealing in depictions of a minor engaged in sexually explicit conduct is limited to photographs depicting the genitals or unclothed pubic or rectal areas of any minor, or the unclothed breast of a female minor, for the purpose of sexual stimulation of the viewer, and to the touching of a person's clothed or unclothed genitals, pubic area, buttocks, or breast area for the purpose of sexual stimulation of the viewer.</p> <p>The same content-based split between first and second degree is adopted for violations of RCW 9.68A.060, sending or bringing into the state depictions of a minor engaged in sexually explicit conduct, and RCW 9.68A.070, possession of depictions of a minor engaged in sexually explicit conduct.</p> <p>A new crime is added to chapter 9.68A RCW – Intentionally viewing over the internet visual or printed matter depicting a minor engaged in sexually explicit conduct. The unit of prosecution for both first and second degree violations of this crime is each separate internet session.</p> <p>Affirmative defenses are added to RCW 9.68A.110 for certain university researchers and legislative employees.</p> <p>A new aggravating circumstance is added to RCW 9.94A.535 – paying to view over the internet– images of a minor engaged in sexually explicit conduct.</p> <p>The type of relationships that can satisfy the definition of “predatory” in RCW 9.94A.030 is expanded to include a teacher, counselor, volunteer, or other person in authority providing home-based instruction.</p>
265	06/10/2010	Relating to establishing a program to verify the address of registered sex offenders and kidnapping offenders	<p>In response to <i>State v. Flowers</i>, 154 Wn. App. 462 (2010), the legislature replaces RCW 9A.44.130(6)(b)’s permissive language regarding reporting places the homeless offender stayed at, with the following mandatory language: “The person must keep an accurate accounting of where he or she stays during the week and provide it to the county sheriff upon request.”</p> <p>The every 90 day reporting period for level II and III offenders, who have residences, is removed. In its place, RCW 9A.44.135 is amended to increase officer’s efforts to verify the accuracy of a registered address.</p>

Chapter Number	Effective Date	Bill Title	What the New Law Does
267	06/10/2010	Relating to improving the administration and efficiency of sex and kidnapping offender registration	<p>Amends sex offender registration provisions by:</p> <ol style="list-style-type: none"> <li data-bbox="813 373 1523 1003">1. Adding new definitions and moving the definitions to a stand alone section. This section resolves the <i>State v. Werneth</i> comparability problem by defining the term “sex offense”, in relevant part, as <ul style="list-style-type: none"> <li data-bbox="1003 527 1422 1003">“Any federal or out-of-state conviction for: An offense for which the person would be required to register as a sex offender while residing in the state of conviction; or, if not required to register in the state of conviction, an offense that under the laws of this state would be classified as a sex offense under this subsection, unless a court in the person's state of conviction has made an individualized determination that the person should not be required to register <li data-bbox="813 1024 1523 1087">2. Reducing certain registration periods from ten days to “three business days” <li data-bbox="813 1108 1523 1171">3. Expanding certain registration periods from 24 hours to “three business days” <li data-bbox="813 1192 1523 1297">4. Requiring that written notices of change of address be sent by certified mail, with return receipt requested <li data-bbox="813 1318 1523 1633">5. Moves the offense of failure to register as a sex offender from RCW 9A.44.130 to a new stand alone section. A first or second violation of the section predicated upon a duty to register because of a prior felony sex offense is a class C felony. A third or subsequent violation of the section is a class B felony. The first offense is unranked under the SRA, while the second and subsequent offenses are all ranked. <li data-bbox="813 1654 1523 1717">6. Alters when a person may be relieved of the obligation to register as a sex offender. <li data-bbox="813 1738 1523 1894">7. Adding a new provision that requires sheriffs to investigate whether an offender’s duty to register has ended by operation of law, and to request that the offender’s name be removed from the WSP’s central registry

Chapter Number	Effective Date	Bill Title	What the New Law Does
			<p>8. Moves the provisions governing petitions to be relieved of the obligation to register as a sex offender to two stand alone sections, one for offenders who committed sex offenses while juveniles and one for adult offenders</p> <p>9. Renders a state conviction for failure to register a ranked offense if the defendant has a prior federal court conviction for failure to register .</p>
<p>289</p>	<p>06/10/10 - Except § 1, which becomes effective 07/01/2011</p>	<p>Relating to sex crimes involving minors</p>	<p>Adds “sexually exploited child” to the definition of a “child in need of services” in RCW 13.32A.030. A "sexually exploited child" means any person under the age of eighteen who is a victim of the crime of commercial sex abuse of a minor under RCW 9.68A.100, promoting commercial sexual abuse of a minor under RCW 9.68A.101, or promoting travel for commercial sexual abuse of a minor under RCW 9.68A.102.”</p> <p>Amends RCW 7.68.070 to specify that a person identified as the "minor" in the charge of commercial sexual abuse of a minor, promoting commercial sexual abuse of a minor, or promoting travel for commercial sexual abuse of a minor, is considered a victim of a criminal act for the purpose of the right to benefits under chapter 7.68 RCW, even if the person is also charged with prostitution under RCW 9A.88.030.</p> <p>RCW 13.40.070 requires prosecutors, when a case is legally sufficient to charge an alleged offender with either prostitution or prostitution loitering and the alleged offense is the offender's first prostitution or prostitution loitering offense, to divert the case. RCW 13.40.213 allows a prosecutor to divert subsequent charges when the county has a comprehensive program for juvenile prostitutes.</p> <p>A new section is added to chapter 13.40 RCW that provides a presumption that an offender charged with prostitution or prostitution loitering meets the criteria for a certification as a victim of a severe form of trafficking in persons as defined in section 7105 of Title 22 of the United States code, and that the alleged offender is also a victim of commercial sex abuse of a minor.</p> <p>The seriousness level of certain offenses are altered in RCW 9.94A.515:</p> <ul style="list-style-type: none"> • Promoting Commercial Sexual Abuse of a Minor (RCW 9.68A.101) is increased from an 8 to a 12. • Commercial Sexual Abuse of a Minor (RCW

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			<p>9.68A.100) is increased from a 2 to an 8.</p> <p>RCW 9A.88.140 is amended to make impound of a vehicle mandatory when a person is arrested for a suspected violation of commercial sexual abuse of a minor, promoting commercial sexual abuse of a minor, or promoting travel for commercial sexual abuse of a minor. The arrested person must have used the vehicle in the commission of the crime and must either own the vehicle or must have rented the vehicle. Redemption of a vehicle impounded pursuant to this section requires payment of a \$2500 fine.</p> <p>Commercial sexual abuse of a minor, RCW 9.68A.100, is reclassified as a class B felony.</p> <p>Promoting commercial sexual abuse of a minor, RCW 9.68A.101, is reclassified as a class A felony.</p> <p>RCW 9.68A.105 is amended to require the imposition of a \$5,000 fine upon a person who is either convicted or given a deferred sentence or a deferred prosecution or who has entered into a statutory or nonstatutory diversion agreement as a result of an arrest for violating RCW 9.68A.100, 9.68A.101, or 9.68A.102. This fine may only be suspended or reduced if the court finds that the defendant does not have the ability to pay. A "statutory or nonstatutory diversion agreement", for purposes of the mandatory \$5,000 fine, means an agreement under RCW 13.40.080 or any written agreement between a person accused of one of the offenses and a court, county or city prosecutor, or designee thereof, whereby the person agrees to fulfill certain conditions in lieu of prosecution.</p>

TERMINOLOGY

Chapter Number	Effective Date	Bill Title	What the New Law Does
94	06/10/2010	Relating to persons with intellectual disabilities	<p>Replaces the terms “developmentally disabled” and “mentally retarded” in numerous statutes with “more appropriate references”. No substantive change to the law is intended.</p> <p>Three sections in Chapter 10.95 RCW are impacted, as the phrase “intellectual disability” is substituted for the phrase “mentally retarded”.</p>

VEHICLES AND VESSELS

Chapter Number	Effective Date	Bill Title	What the New Law Does
15	06/10/2010	Relating to vehicles at railroad grade crossings	Rewrites RCW 46.61.350, which requires certain vehicles to stop before crossing a street level railroad crossing.
56	06/10/2010	Relating to prohibiting incentive towing programs for private property impounds	Amends RCW 46.55.035 to make it a misdemeanor for a registered tow truck owner to enter into “any contract or agreement or offer any program that provides an incentive to a person authorized to order a private impound under RCW 46.55.080 that is related to the authorization of an impound or a number of impounds.”
161	07/01/11 - Except § 1020, which becomes effective 06/30/12.	Relating to streamlining and making technical corrections to vehicle and vessel registration and title provisions	<p>Restates the crimes contained at RCW 46.12.070 (titles for destroyed vehicles), RCW 46.12.080 (installation of different motor), 46.12.101 (failure to report transfer or sale of vehicle), 46.12.160 (vehicle registration cancellation), 46.12.210 (conveyance of stolen vehicles, etc.), 46.12.250 (selling vehicle to minor), 46.16.010 (registering a vehicle in another state to avoid Washington taxes or fees), 46.16.160 (trip permits for commercial vehicles), 46.68.010 (refund of certain fees or taxes), 82.38.100 (special fuel users), 82.44.090 (failure to collect vehicle excise tax), 88.02.055 (false statement in connection to refund of vessel fees or taxes), 88.02.110 (fine only misdemeanor related to vessels), 88.02.118 (registering vessel in another state to avoid Washington taxes), 88.02.112 (unlicensed vessel dealer).</p> <p>Repeals a number of existing statutes, some of which defined crimes.</p> <p>Creates a new gross misdemeanor to be codified in chapter 46.12 RCW that deals with advertising for sale or selling a vehicle that has been declared unfit and prohibited from use by a local health officer prior to the local health officer releasing the vehicle for reuse in accordance with chapter 64.44 RCW. A similar new gross misdemeanor related to vessels is added to chapter 88.02 RCW.</p> <p>Creates a new “fine only” gross misdemeanor to be codified in chapter 46.12 RCW of falsifying residency when registering a vehicle. The fine is \$529.00. Creates a new gross misdemeanor to be codified in chapter 46.12 RCW for “removing, driving, or operating a vehicle after the refusal to issue or cancellation of the registration.”</p> <p>Creates a new gross misdemeanor of unauthorized use of a disabled veteran license plate. Creates another new gross misdemeanor for knowingly making a false statement of a</p>

Chapter Number	Effective Date	Bill Title	What the New Law Does
			material fact in the application for a special ride share license plate. Creates another new gross misdemeanor for knowingly providing false information in conjunction with the application for special parking privileges for persons with disabilities.
215	06/10/2010	Relating to promoting accessible communities for persons with disabilities	Amends RCW 46.16.381 to add an additional \$200 assessment to any penalty or fine imposed for: (1) the unauthorized use of the special handicap placard, special handicap license plate, or handicap identification card; (2) parking in, blocking, or otherwise making inaccessible the access aisle located next to a space reserved for persons with physical disabilities; (3) parking in a handicap spot without the proper placard or license plate. The extra assessment is to be used for special needs transportation programs. A court may reduce the assessment, but any reduction in any penalty or fine and assessment shall be applied proportionally between the penalty or fine and the assessment.
217	06/10/2010	Relating to allowing local governments to create golf cart zones	<p>Amends RCW 46.04.320 to provide that a golf cart is considered a motor vehicle for the purposes of chapter 46.61 RCW.</p> <p>Amends RCW 46.04.670 to provide that a golf cart is considered a vehicle for the purposes of chapter 46.61 RCW.</p> <p>Cities and counties may create “golf cart zones” where persons may operate golf carts on public highways and streets. The golf carts can only be operated within these zones by a licensed driver, who is at least 16 years of age.</p> <p>Query– Since golf carts are now “vehicles” and “motor vehicles” for purposes of chapter 46.61 RCW, and RCW 46.61.502 makes it a crime to operate a vehicle anywhere in the state while intoxicated, does this mean that a duffer who operates a golf cart on a golf course after consuming too much alcohol can be prosecuted for DUI?</p>
223	06/10/2010	Relating to the use of wireless communications devices while driving	<p>Language is added RCW 46.20.055 and to RCW 46.20.075 that bars a person with a learner’s permit or an intermediate license from operating a vehicle while using a wireless communication device. An exception exists when calling to report illegal activity, summon medical or other emergency help, or prevent injury to a person or property.</p> <p>Amends RCW 46.61.667 to make the use of a non-hands free wireless communication device a primary offense.</p> <p>Amends RCW 46.61.668 to make texting while driving a primary offense.</p>

Chapter Number	Effective Date	Bill Title	What the New Law Does
242	07/01/2010	Relating to the enforcement of certain school or playground crosswalk violations	<p>New subsections are added to RCW 46.61.235 and to RCW 46.61.245, that double the penalty for violations committed within a school, playground, or crosswalk speed zone. The penalty may not be waived, reduced, or suspended.</p> <p>Fifty percent of the moneys collected under the doubling provision of RCW 46.61.235, RCW 46.61.245, and RCW 46.61.261, must all be deposited into the school zone safety account.</p> <p>Authorizes school districts to erect signs that inform motorists of the increased monetary penalties assessed for violations of RCW 46.61.235, 46.61.245, or 46.61.261 within a school, playground, or crosswalk speed zone.</p> <p>A new section is added to chapter 46.61 that authorizes a crossing guard, who is at least 18-years old and who observes a violation of RCW 46.61.235(5), 46.61.245(2), or 46.61.261(2), to prepare a written report of the violation for delivery to a law enforcement officer within 72 hours of the violation. The law enforcement officer may initiate an investigation of the reported violation after receiving the report from the crossing guard, and if able to identify the driver, may serve the driver with a notice of traffic infraction.</p>
249	06/10/2010	Relating to the administration, collection, use, and enforcement of tolls	Transfers most violations for non-payment of traffic tolls from the traffic infraction calendar to a civil proceeding conducted by the Department of Transportation.
252	01/01/2011	Relating to approaching certain emergency, roadside assistance, or police vehicles in emergency zones	<p>Creates “emergency zones”, which is “defined as the adjacent lanes of the roadway two hundred feet before and after” a stationary emergency vehicle that is using its audible or visual signals, a tow truck using its red lights, other vehicles providing roadside assistance that are using warning lights with 360° of visibility, or a police vehicle that is using its emergency lights.</p> <p>If a person speeds through an emergency zone, s/he is subject to a monetary penalty equal to twice the penalty assessed under RCW 46.63.110. This penalty may not be waived, reduced, or suspended.</p> <p>If a person drives a vehicle in an emergency zone in such a manner as to endanger or be likely to endanger any emergency zone worker or property is guilty of reckless endangerment of emergency zone workers. This new offense is a gross misdemeanor that carries a 60 day license</p>

Chapter Number	Effective Date	Bill Title	What the New Law Does
			<p>suspension.</p> <p>[Editor's note: Be aware that RCW 10.31.100 was not amended to make this one of the specific non-felony offenses for which the presence requirement is waived. The offense, however, should fall within RCW 10.31.100(a)'s general "involving physical harm or threats of harm to any person or property" language.]</p>
253	10/31/2010	Relating to notations on driver abstracts that a person was not at fault in a motor vehicle accident	Significantly rewrites RCW 46.52.130, which sets out the contents of driver records, and which specifies which entities may receive what information.
270	07/01/2010	Relating to vehicle license fraud	Amends RCW 46.16.010(4), which is the gross misdemeanor of licensing a vehicle in another state to avoid Washington fees or taxes. Dramatically increases the fines to be paid.