

# WASHINGTON ASSOCIATION OF SHERIFFS & POLICE CHIEFS

3060 Willamette Drive NE Lacey, WA 98516 ~ Phone: (360) 486-2380 ~ Fax: (360) 486-2381 ~ Website: www.waspc.org

Serving the Law Enforcement Community and the Citizens of Washington



## End of Session Report 2015 2<sup>nd</sup> Special Session

Tuesday, June 30, 2015

This report covers bills passed by the Washington State Legislature during the 2015 2<sup>nd</sup> Special Session (May 29, 2015 – June 27, 2015).

Bills passed by the Legislature are subject to [executive action by the Governor](#).

Unless otherwise noted in the text of the legislation, these bills become effective on September 26, 2015.

Nothing in this report should be interpreted as legal advice. The 'Short Descriptions' are a brief summary of the most substantive provisions of a bill. Please reference the actual text of legislation.

Bill #	Abbrev. Title	Short Description
<a href="#">2E2SHB 1272</a>	Intimate images/disclosing	Creates the crime of disclosing intimate images. Disclosing intimate images is a gross misdemeanor on the first offense and a class C felony on the second or subsequent offense
<a href="#">2E2SHB 1276</a>	Impaired driving	Requires the court to order specific Driving Under the Influence (DUI) offenders to install an ignition interlock device (IID) on all motor vehicles operated by the person, agree (by signing a sworn statement) not to operate any vehicle without an IDD as required by the court, and participate in alcohol monitoring at the expense of the person.  Requires the courts to notify the Department of Licensing (DOL) in instances where a defendant is required to use an IID and in instances where such restrictions are lifted.  Eliminates the statutory provisions that prohibited an IID license applicant from appealing a license revocation.

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		Requires the IIDs to have technology capable of providing global positioning system coordinates.
		Removes statutory references to the testing of a person's breath for purposes of determining the presence of drugs.
		Clarifies the statutes that prohibit law enforcement officers from testing a person's blood suspected of DUI unless it is pursuant to a search warrant, a valid waiver of the warrant requirement, when exigent circumstances exist, or under any other authority of law.
		Redefines and expands the elements for the crime of Tampering with an IID.
<a href="#">2E2SHB 1276 (cont'd)</a>	Impaired- driving (cont'd)	Makes it a traffic infraction for a person to have an open container of marijuana in the main compartment of a vehicle while on a public highway.
		Authorizes the DOL to furnish an abstract of an individual's driving record to an individual's named attorney of record.
		Requires the Department of Health to adopt rules for the training and supervision of forensic phlebotomists.
		Provides that it is not professional misconduct for a physician, nurse, etc., to collect a blood sample without a person's consent when such professionals are directed by a law enforcement officer to do so for the purpose of a blood test under the provisions of a search warrant or in exigent circumstances.
		Includes intent language and a tax preference performance statement for the sales and use tax exemption for qualifying patients and designated providers.
		Eliminates the 25 percent producer and processor taxes and increases the 25 percent retailer tax to 37 percent and specifies that the taxes are levied on the buyer.
<a href="#">2E2SHB 2136</a>	Marijuana market reforms	Provides a sales and use tax exemption to qualifying patients and designated providers.
		Renames the Liquor Control Board to be the Liquor and Cannabis Board (LCB).

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Provides marijuana tax revenues for local jurisdictions, distributed based on retail sales and population, at an annual cap of \$15 million per fiscal year for the 2017-2019 biennium and \$20 million per fiscal year thereafter.

Changes the allowable uses of marijuana tax revenues for the Division of Behavioral Health and Recovery (DBHR) and the Department of Health (DOH).

Specifies that the Dedicated Marijuana Account is subject to appropriation.

Modifies the amounts specified for the LCB, DBHR, and DOH from the Dedicated Marijuana Account and adds provisions that allow lower appropriations for specific agencies.

[2E2SHB  
2136](#)  
(cont'd)

Marijuana  
market  
reforms  
(cont'd)

Provides \$95,000 to the State Building Code Council in fiscal year 2016 for the development of fire and building code regulations for marijuana facilities.

Modifies marijuana retailer signage requirements, allowing for one additional sign identifying the business or trade name.

Permits local jurisdictions to revise the buffer distance provisions for the siting of marijuana licensees and require notice to certain nearby entities.

Subjects medical marijuana cooperatives to buffer distances similar to marijuana licensees.

Modifies the residency requirement to apply for a marijuana license.

Prohibits the consumption of marijuana in a "public place."

Allows a marijuana business to use a common carrier to transport marijuana if the carrier is licensed by the LCB and specifies that they may only transport marijuana between other licensed marijuana businesses.

Allows the LCB to receive private funding to be used for materials to improve public awareness of the health risks associated with the use of marijuana.

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		Exempts cannabis health and beauty aids from all regulations in the Controlled Substances Act pertaining to marijuana; however, only for products that meet specific definitions.
		Prohibits the operation of a marijuana club for the purposes of keeping or storing marijuana and imposes a felony penalty.
		Includes signage requirements for a marijuana business to be placed outside the prospective business location notifying the public prior to the business becoming operational.
		Creates penalties for the manufacture and distribution of spice and bath salts.
<a href="#">2E2SHB 2136</a> (cont'd)	Marijuana market reforms (cont'd)	Modifies the definition of marijuana concentrates.
		Directs certain revenue from marijuana research licensees to the Life Science Discovery Fund.
		Authorizes public universities to contract for marijuana research with federally recognized Indian tribes licensed to conduct marijuana research.
		Clarifies the tax treatment of bundled transactions at licensed marijuana retail stores.
		Prohibits conditional sales by any marijuana business. Provides an additional \$12 million for cities and counties for distribution, based on retail sales, in the operating budget, subject to appropriation.
<a href="#">ESB 6092</a>	Court marshals, commissioned	Adding certain commissioned court marshals of county sheriff's offices to the definition of uniformed personnel for the purposes of public employees' collective bargaining.

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