

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 2018 Regular Session April 13, 2018

This report covers bills passed by the Washington State Legislature during the 2018 Regular Session (January 8, 2018 – March 8, 2018).

Unless otherwise noted in the text of the legislation, all bills generally become effective on June 7, 2018.

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
SHB 1022	Crime victim participation	Requires law enforcement agencies and other entities to complete victim certifications for U and T nonimmigrant visa applications for qualifying victims of certain crimes.
ESHB 1047	Medication disposal system	Requires manufacturers that sell drugs into Washington to operate a drug take-back program to collect and dispose of prescription and over-the-counter drugs from residential sources.
2SHB 1298	Job applicants/arrests, etc.	Prohibits an employer from, among other things, including any question on an application or inquiring into an applicant's criminal background until after the employer initially determines the applicant is otherwise qualified for the position. Exempts certain employers from the prohibition. Authorizes the Attorney General to enforce the provisions and impose penalties.
SHB 1539	Sexual abuse of students	Establishes new and modified duties for the Office of the Superintendent of Public Instruction (OSPI) related to a voluntary coordinated program for the prevention of child abuse and neglect, including requiring the program to incorporate provisions for

President BRIAN BURNETT <i>Sheriff—Chelan County</i>	President Elect KEN THOMAS <i>Chief—Kent</i>	Vice President JOHN SNAZA <i>Sheriff—Thurston County</i>	Past President KEN HOHENBERG <i>Chief—Kennewick</i>	Treasurer BRIAN WINTER <i>Sheriff—Yakima County</i>
DUSTY PIERPOINT <i>Chief—Lacey</i>	RONNIE ROBERTS <i>Chief—Olympia</i>	Executive Board CRAIG MEIDL <i>Chief—Spokane</i>	BILL BENEDICT <i>Sheriff—Clallam County</i>	JOHN TURNER <i>Sheriff—Walla Walla</i>
RICK SCOTT <i>Sheriff—Grays Harbor County</i>	MARK COUEY <i>Director—OIC</i> <i>Criminal Investigations Unit</i>	JOHN BATISTE <i>Chief—WA State Patrol</i>	JAY TABB <i>SAC—FBI, Seattle</i>	STEVE STRACHAN <i>Executive Director</i>

		the prevention of sexual abuse of students in kindergarten through twelfth grade.
E2SHB 1783	Legal financial obligations	Eliminates interest accrual on the nonrestitution portion of legal financial obligations (LFOs). Provides that a court may not impose costs on a defendant who is indigent at the time of sentencing. Establishes provisions governing payment plans and priority of payment of LFOs. Addresses actions a court may take where an offender's failure to pay LFOs is not willful. Provides that all of the crime victim penalty assessment must be deposited into a fund for crime victim and witness programs. Provides that the DNA database fee is not mandatory if the offender's DNA has already been collected as a result of a prior conviction.
E2SHB 1889	Corrections ombuds, creating	Creates an Office of the Corrections Ombuds (Ombuds) within the Office of the Governor that is in effect until July 1, 2028. Tasks the Ombuds with certain informational and investigative activities and responsibilities related to the health, safety, welfare, and rehabilitation of inmates in the custody of the Department of Corrections.
SHB 2016	Incarcerated women/midwifery	Requires jails and the Department of Corrections to make reasonable accommodations for the provision of midwifery and doula services to inmates who are pregnant or have given birth in the last six weeks.
HB 2087	Roadway worker safety	Expands emergency zone rules of the road and associated offenses related to the use of lanes, speed restrictions, and reckless endangerment to include work zones. Describes work zones as adjacent lanes 200 feet before and after stationary or slow-moving highway construction vehicles, highway maintenance vehicles, solid waste vehicles, or utility service vehicles that display specified flashing lights. Provides clarification that a driver must yield the right-of-way to highway construction workers, highway maintenance workers, and flaggers, when they are engaged in work within a highway construction or maintenance area.

EHB 2097	Religious affiliation discl. PARTIAL VETO	Limits the authority of government agencies to take a variety of actions with respect to certain information about religious affiliation. Exempts public records that contain personally identifying information about an individual's religious beliefs, practices, or affiliation from disclosure under the Public Records Act. Makes it an unfair practice for an employer to require the disclosure of certain information about religious affiliation and beliefs.
SHB 2101	Sex. assault nurse examiners	Requires the Office of Crime Victims Advocacy to develop best practices for the creation of more access to sexual assault nurse examiners. Requires the Office of Crime Victims Advocacy to develop strategies to make sexual assault nurse examiner training available to nurses in all regions of the state.
HB 2208	Federal tax info/bckgrnd chk	Requires criminal history checks and fingerprinting for all state employees and state contractors that may access federal tax information as part of their duties.
HB 2271	Sexually violent predators	Specifies certain review standards for the court to evaluate whether to order evidentiary trials for unconditional or conditional release of persons committed as sexually violent predators.
SHB 2398	Jury selection	Amends jury selection provisions to align with Washington's Law Against Discrimination. Provides exceptions for the duty of a judge to excuse a juror, or the right of any party to make challenges to individual jurors based on a lack of qualification or lack of competency due to bias, prejudice, indifference, inattention, or any physical or mental defect.
HB 2474	Marijuana product labeling	Requires the label on a marijuana product container sold at retail to include the business or trade name and Washington Unified Business Identifier (UBI) number of the marijuana producer and processor that produced and processed the marijuana product, consistent with Liquor and Cannabis Board rules. Provides that the label on a marijuana product container sold at retail is not required to include the business or trade name or UBI number of, or any information about, the marijuana retailer selling the marijuana product.

HB 2517	Alcohol manuf/ancillary viol	Requires the Liquor and Cannabis Board (LCB) to adopt, by rule, a schedule of penalties applicable to a licensed liquor manufacturer who has committed a regulatory violation as part of the licensee's "ancillary activities." Defines "ancillary activities" to mean activities relating to serving samples, operating a tasting room, conducting retail sales, serving liquor under a restaurant license, or serving liquor with a special occasion license. Establishes a schedule of penalties for regulatory violations by licensed liquor manufacturers. Requires that the schedule of penalties not include the suspension, revocation, or cancellation of a liquor manufacturer's primary license. Establishes that the range and severity of the penalties that may be imposed on a liquor manufacturer may not exceed those applicable to a retail licensee for a similar violation.
EHB 2519	Pistol license eligibility	Provides that a law enforcement agency may not return a concealed pistol license (CPL) that has been surrendered to or impounded by the agency until the agency determines the licensee meets CPL eligibility requirements. Allows a law enforcement agency to take a photograph of an applicant for a CPL and print the licensee's photograph on the face of the CPL. Adds extreme risk protection orders, sexual assault protection orders, and stalking protection orders to the provision making an applicant ineligible for a CPL if the applicant is subject to a court order or injunction regarding firearms.
HB 2611	Peer support grp counselors	Establishes a testimonial privilege for communications made by a limited authority law enforcement officer to a designated peer support group counselor while receiving counseling as the result of an incident in which the officer was acting in the officer's official capacity. Defines "limited authority law enforcement officer" as a limited authority Washington peace officer employed by the Department of Corrections, the State Parks and Recreation Commission, the Department of Natural Resources, the Liquor and Cannabis Board, or the Washington State Gambling Commission.

SHB 2612	Tow truck operators	Creates license plate indicator tabs for licensed tow truck operators applying for a license to use a tow truck to conduct transporter, hulk hauler or scrap processor, or wrecker business. Establishes fees for the transporter, hulk hauler or scrap processor, and wrecker license plate indicator tabs. Requires that tow truck operators with transporter, hulk hauler or scrap processor, and/or wrecker license plate indicator tabs be subject to the same requirements, enforcement, and penalties as non-towing companies conducting transporter, hulk hauler or scrap processor, or wrecker business with vehicles bearing special license plates indicating the business purpose.
SHB 2638	Graduated reentry program	Increases the allowable period for work release from the final six to the final 12 months of an offender's term of confinement. Creates the Graduated Reentry Program for certain offenders to serve up to six months of the end of their term of confinement in home detention under electronic home monitoring.
HB 2661	Domestic assault/employment	Makes it unlawful for an employer to discriminate against an applicant or employee because the individual is an actual or perceived victim of domestic violence, sexual assault, or stalking. Makes it unlawful for an employer to refuse to make a reasonable safety accommodation requested by a victim of domestic violence, sexual assault, or stalking unless the accommodation would impose an undue hardship.
SHB 2692	WSP minimum salary	Requires salary levels for troopers and sergeants for the 2019-2021, 2021-2023, and 2023-2025 biennia to be guided by the results of a biennial survey of the average of compensation paid to the corresponding rank from six specified local law enforcement agencies. Requires the Office of Financial Management to report on the efficacy of recruitment and retention efforts by December 1, 2024.
ESHB 2700	Child interview recordings	Exempts audio and video recordings of child forensic interviews that depict or describe allegations of child abuse, child neglect, or exposure to violence from the Public Records Act except by court order upon a showing of good

cause and notice to the child's guardian. Requires that, absent a court finding of good cause, such interviews disclosed in criminal or civil proceedings are subject to a protective order, and provides that a violation of a protective order is subject to a civil penalty up to \$10,000. Defines the term "child forensic interview."

[HB 2751](#) Deduction of union dues

Provides that if a collective bargaining agreement has a union security provision, written authorization from the employee is not required for the employer to enforce the union security agreement by deducting required dues or fees from the employee's pay. Provides that if a collective bargaining agreement includes requirements for deductions of payments other than union dues or equivalent fees under a union security provision, the employer must make those deductions upon written authorization of the employee. Removes the requirement that an employee's written authorization to deduct dues be filed with the employer.

[SHB 2752](#) Search warrants/muni. courts

Authorizes judges in district and municipal courts with jurisdiction encompassing all or part of more than one county to issue statewide search warrants if the county in which the offense is alleged to have occurred is one of the counties within that court's jurisdiction.

[SHB 2786](#) LEOFF/DOC, DSHS firefighters

Adds the Department of Social and Health Services and the Department of Corrections to the definition of "employer" for the Law Enforcement Officers' and Firefighters' Retirement System (LEOFF) when employing firefighters serving at a prison or civil commitment center on an island. Makes new employees in covered positions become members of the LEOFF Plan 2 upon entering eligible employment. Provides employees newly eligible for the LEOFF Plan 2 or Plan 3 the opportunity to transfer to the LEOFF for future service, and to transfer eligible past service in the Public Employees' Retirement System Plan 2 or Plan 3 into the LEOFF Plan 2 by paying additional employee contributions.

SHB 2822	Service animal misrepresent.	Adopts the federal definition of service animal. Creates a civil infraction for the misrepresentation of a service animal.
HB 2892	Mental health field response	Creates the mental health response grant program, administered by the Washington Association of Sheriffs and Police Chiefs.
SHB 2951	Missing Native Amer. women	Requires the Washington State Patrol to study and report to the Legislature on ways to increase resources for reporting and identifying missing Native American women.
SHB 2970	Autonomous vehicle work grp	Tasks the Washington State Transportation Commission (Transportation Commission) with convening a work group of executive and legislative branch representatives to develop policy recommendations to address the operation of autonomous vehicles (AVs) on public roadways in the state. Requires an annual report to the Governor and the appropriate legislative committees, including recommendations on proposed modifications to state law and rules to address the emergence and deployment of AV technology in the state. Makes the operations of the work group subject to an appropriation to the Transportation Commission.
ESHB 3003	Law enforcement	Modifies provisions reflecting the law as amended by Initiative 940, including provisions relating to training, rendering of first aid, the criminal liability standard for use of deadly force, and independent investigations of deadly force incidents. Requires the state to reimburse a peace officer for reasonable defense costs when he or she is found not guilty or charges are dismissed by reason of justifiable homicide, justifiable use of deadly force, or self-defense, for actions taken while on duty or otherwise within the scope of his or her authority as a peace officer.
SSB 5553	Suicide/firearm right waiver	Creates a process for a person to voluntarily waive the person's firearm rights and to revoke a voluntary waiver of firearm rights. Requires the Washington State Patrol to include a voluntary waiver of firearm rights in the National Instant Criminal Background Check System and other databases. Establishes a criminal penalty for any

		<p>person who knowingly makes a false statement regarding the person's identity on a form for the voluntary waiver of firearm rights or the revocation of the voluntary waiver of firearm rights. Prohibits a person from delivering a firearm to any person whom he or she has reasonable cause to believe has signed a valid voluntary waiver of firearm rights that has not been revoked.</p>
ESSB 5928	Marijuana/financial services	<p>Provides that certain entities and persons providing financial services to marijuana producers, processors, retailers, qualifying patients, health care professionals, and designated providers do not commit a crime under state law for providing these services.</p>
SB 5987	Pretrial release programs	<p>Specifies that pretrial release programs may include programs in superior, district, or municipal courts, and that the statutory provisions relating to conditions of release apply to felony, misdemeanor, and gross misdemeanor cases. Authorizes judicial officers in felony and nonfelony criminal cases to require the defendant to refrain from using alcohol or non-prescribed drugs as a condition of pretrial release, and to submit to testing to determine compliance with the condition, in order to protect the public from harm.</p>
ESB 5992	Bump-fire stocks	<p>Establishes criminal penalties and sentencing provisions relating to the manufacture, sale, purchase, possession, transfer, or transport of bump-fire stocks, or the use of a firearm containing a bump-fire stock in the commission of a felony. Requires the Washington State Patrol, in coordination with local law enforcement agencies, to establish and administer a bump-fire stock buy-back program during the period between July 1, 2018, and June 20, 2019, subject to funds appropriated for this specific purpose.</p>
SSB 5996	Workplace sex harass./NDAs	<p>Prohibits an employer from requiring an employee, as a condition of employment, to sign a nondisclosure agreement that prevents the employee from disclosing sexual harassment or sexual assault occurring in the workplace. Makes it an unfair practice under the Washington Law Against Discrimination for an employer to discharge or retaliate against an employee for</p>

		disclosing or discussing sexual harassment or sexual assault occurring in the workplace. Allows settlement agreements to have confidentiality provisions.
ESSB 6032	Supp. operating budget PARTIAL VETO	Making 2018 supplemental operating appropriations. (CLICK TO VIEW WASPC SUMMARY)
SSB 6051	Medicaid fraud control unit	Requires the Attorney General to establish and maintain a Medicaid Fraud Control Unit (MFCU) and specifies the authority and duties of the MFCU, including limited law enforcement authority to detect, investigate, and apprehend when a criminal law violation related to Medicaid fraud has occurred or is about to occur. Provides that the Department of Social and Health Services and law enforcement agencies may share reports of suspected abandonment, abuse, financial exploitation, or neglect of a vulnerable adult with the MFCU.
ESSB 6068	Sexual harassment NDAs	Provides that neither discovery nor the availability of witness testimony regarding past instances of sexual harassment or sexual assault by a party to a civil judicial or administrative action relating to sexual harassment or sexual assault is affected by a nondisclosure policy or agreement that purports to limit the ability of any person to produce such evidence. Declares that any provision of a nondisclosure policy or agreement that limits, prevents, or punishes such disclosure is contrary to public policy and unenforceable. Makes the act applicable to actions pending as of the effective date and actions filed after the effective date.
SSB 6090	Capital budget 2017-2019 PARTIAL VETO	Concerning the capital budget.
ESSB 6095	Supplemental capital budget PARTIAL VETO	Concerning the supplemental capital budget. (CLICK TO VIEW WASPC SUMMARY)
ESSB 6106	Supplemental transportation budget PARTIAL VETO	Concerning the supplemental transportation budget. (CLICK TO VIEW WASPC SUMMARY)
SSB 6124	Commitment hearings by video	Defines "hearing" in the Involuntary Treatment Act as any proceeding conducted in open court. Allows parties in a proceeding to participate either in person or by video, subject to certain limitations.

SB 6145	Civil service qualifications	Provides that city police and fire department and county sheriff civil service applicants may be lawful permanent residents as an alternative to United States citizens. Allows a city police or county sheriff law enforcement agency to reject an application if the agency deems that it does not have the resources to conduct the background investigation. Changes the background investigation for a fully commissioned peace officer or reserve officer to include proof of lawful permanent resident status as an alternative to United States citizenship.
E2SSB 6160	Exclusive adult jurisdiction	Eliminates exclusive adult court jurisdiction for 16 and 17 year olds charged with: Robbery in the first degree; Drive-by Shooting; Burglary in the first degree with one or more prior adjudications; and any violent offense when the juvenile is alleged to have been armed with a firearm. Places limits on discretionary and mandatory decline hearings in certain cases. Creates a new offense category, extends the maximum period of juvenile court commitment for certain offenders, and creates new enhancements.
SB 6188	Peace officer disciplining	Prohibits a law enforcement agency from taking disciplinary or other adverse personnel action against a peace officer solely because the officer's name is subject to a "Brady" disclosure or appears on the prosecutor's recurring witness list.
SSB 6214	PTSD/law enf. & firefighters	Creates an exemption from the exclusion of claims based on mental conditions or disabilities caused by stress for posttraumatic stress disorders of certain firefighters and law enforcement officers. Creates a rebuttable presumption that posttraumatic stress disorder is an occupational disease for these firefighters and law enforcement officers.
SB 6231	Unfair labor practices SOL	Amends seven different collective bargaining statutes to provide that the six-month statute of limitations for an unfair labor practice applies whether the complaint is filed with the Public Employment Relations Commission or in superior court.

SB 6298	DV harassment/firearms	Makes it unlawful for a person to possess a firearm if the person has been convicted or found not guilty by reason of insanity of the crime of Harassment when committed against a family or household member on or after the effective date of the act.
SSB 6313	Empl. contracts/discriminat.	Provides that a provision of an employment contract or agreement is against public policy and is void and unenforceable if it requires an employee to waive the right to publicly pursue a cause of action under the Washington Law Against Discrimination or federal antidiscrimination laws or publicly file a complaint with the appropriate state or federal agency, or if it requires an employee to resolve discrimination claims in a dispute resolution process that is confidential.
SB 6404	Child care background checks	Requires child care licensees and employees to submit new background check applications, and pay associated fees, to the Department of Children, Youth, and Families when renewing a background clearance. Exempts in-home/relative providers who receive state subsidies from paying background check fees.
SB 6408	Body worn cameras	Removes a July 1, 2019, expiration date on laws governing the use of body worn cameras by law enforcement and corrections agencies. Provides that the Public Records Act (PRA) provisions governing body worn camera recordings are permanent and applicable to all law enforcement and corrections agencies that deploy body worn cameras. Modifies the definition of "intimate image" under the PRA provisions applicable to body worn camera recordings. Provides that destruction of body worn camera recordings must comply with the applicable records retention schedule.
ESSB 6434	Electric-assisted bicycles	Modifies the definition of electric-assisted bicycles and provides a classification system. Requires a manufacturer or distributor of new electric-assisted bicycles to affix a label indicating the classification number, top assisted speed, and motor wattage. Adjusts the minimum age required for operating different classes of electric-assisted bicycles.

		Specifies where electric-assisted bicycles may be used.
SSB 6437	Abandoned RV disposal	Establishes a program within the Department of Licensing for reimbursing costs associated with the disposal of recreational vehicles abandoned on public property.
ESSB 6491	Outpatient behavioral health	Modifies the assisted outpatient mental health treatment standard, criteria, and process. Makes changes to less restrictive alternative treatment services. Allows for the revocation of less restrictive alternative treatment orders entered on assisted outpatient behavioral health treatment commitment grounds. Authorizes a court conducting a review of a designated crisis responder's decision not to detain a person under the Involuntary Treatment Act to order a person to involuntary outpatient treatment, beginning April 1, 2018.
ESSB 6550	Juvenile offense diversion	Expands the circumstances when a prosecutor may divert rather than prosecute an alleged juvenile offender case. Excludes restitution owed to insurance providers from diversion agreements. Expands the programs that may be used as part of a juvenile diversion and allows law enforcement to enter into a diversion agreement with a youth. Requires that juvenile records of persons 18 years of age or older consisting of certain successfully completed agreements be destroyed within 90 days.
SSB 6560	Youth discharge/homelessness	Requires the Department of Children, Youth, and Families and the Office of Homeless Youth Prevention and Protection Programs to develop a plan to ensure that, by December 31, 2020, no unaccompanied youth is discharged from a publicly funded system of care into homelessness. Requires the Department of Licensing to issue an identicard at the cost of production to certain individuals.
SB 6582	Higher ed./criminal history	Prohibits the public institutions of higher education from using initial admissions applications that request information about an applicant's criminal history. Allows institutions to inquire into criminal history after the applicant has otherwise been determined to be qualified for admission. Prohibits

an institution from automatically or unreasonably denying an applicant's admission or restricting access to campus residency based on the applicant's criminal history. Requires institutions to develop a process for determining whether there is a relationship between an applicant's criminal history and a specific academic program or campus residency to justify denial or restriction.

- END -