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**SENATE BILL 5087**

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**State of Washington**

**68th Legislature**

**2023 Regular Session**

**By** Senators Pedersen, Mullet, Billig, Dhingra, Frame, Hasegawa, Hunt, Kauffman, Kuderer, Liias, Lovelett, Nobles, Saldaña, Stanford, and Wellman; by request of Attorney General

Prefiled 12/22/22. Read first time 01/09/23. Referred to Committee on Law & Justice.

1 AN ACT Relating to removing language from the Revised Code of  
2 Washington that has been identified by the justices of the supreme  
3 court or judges of the superior courts as defects and omissions in  
4 the laws pursuant to Article IV, section 25 of the Washington state  
5 Constitution; amending RCW 2.43.040, 2.48.190, 4.16.190, 48.140.010,  
6 6.25.030, 10.105.900, 7.80.120, 9.94A.530, 9A.46.020, 10.05.030,  
7 10.95.030, 10.95.035, 10.95.030, 41.56.0251, 35A.66.020, 43.135.034,  
8 and 9A.72.160; and repealing RCW 2.48.210, 4.56.250, 7.48.050,  
9 7.48.052, 7.48.054, 7.48.056, 7.48.058, 7.48.060, 7.48.062, 7.48.064,  
10 7.48.066, 7.48.068, 7.48.070, 7.48.072, 7.48.074, 7.48.076, 7.48.078,  
11 7.48.080, 7.48.085, 7.48.090, 7.48.100, 9.81.010, 9.81.020, 9.81.030,  
12 9.81.040, 9.81.050, 9.81.060, 9.81.070, 9.81.080, 9.81.082, 9.81.083,  
13 9.81.090, 9.81.110, 9.81.120, 9.91.180, 9.92.100, 10.52.100,  
14 10.58.090, 10.95.040, 10.95.050, 10.95.060, 10.95.070, 10.95.080,  
15 10.95.090, 10.95.100, 10.95.110, 10.95.120, 10.95.130, 10.95.140,  
16 10.95.150, 10.95.160, 10.95.170, 10.95.180, 10.95.185, 10.95.190,  
17 10.95.200, 10.95.901, 18.108.190, 35.13.165, 36.105.010, 36.105.020,  
18 36.105.030, 36.105.040, 36.105.050, 36.105.060, 36.105.070,  
19 36.105.080, 36.105.090, 36.105.100, 39.88.010, 39.88.020, 39.88.030,  
20 39.88.040, 39.88.050, 39.88.060, 39.88.070, 39.88.080, 39.88.090,  
21 39.88.100, 39.88.110, 39.88.120, 39.88.130, 39.88.900, 39.88.905,  
22 39.88.910, 41.20.110, 47.44.030, 49.32.072, 49.32.073, 49.32.074,  
23 66.24.480, 66.28.080, 73.04.050, 73.04.060, and 85.05.130.

1 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

2 **Sec. 1.** RCW 2.43.040 and 2008 c 291 s 3 are each amended to read  
3 as follows:

4 (1) Interpreters appointed according to this chapter are entitled  
5 to a reasonable fee for their services and shall be reimbursed for  
6 actual expenses which are reasonable as provided in this section.

7 (2) In all legal proceedings in which the non-English-speaking  
8 person is a party, or is subpoenaed or summoned by the appointing  
9 authority or is otherwise compelled by the appointing authority to  
10 appear, including criminal proceedings, grand jury proceedings,  
11 coroner's inquests, mental health commitment proceedings, and other  
12 legal proceedings initiated by agencies of government, the cost of  
13 providing the interpreter shall be borne by the governmental body  
14 initiating the legal proceedings.

15 (3) In other legal proceedings, the cost of providing the  
16 interpreter shall be borne by the non-English-speaking person unless  
17 such person is indigent according to adopted standards of the body.  
18 In such a case the cost shall be an administrative cost of the  
19 governmental body under the authority of which the legal proceeding  
20 is conducted.

21 (4) ~~((The cost of providing the interpreter is a taxable cost of  
22 any proceeding in which costs ordinarily are taxed.~~

23 ~~(5))~~ Subject to the availability of funds specifically  
24 appropriated therefor, the administrative office of the courts shall  
25 reimburse the appointing authority for up to one-half of the payment  
26 to the interpreter where an interpreter is appointed by a judicial  
27 officer in a proceeding before a court at public expense and:

28 (a) The interpreter appointed is an interpreter certified by the  
29 administrative office of the courts or is a qualified interpreter  
30 registered by the administrative office of the courts in a  
31 noncertified language, or where the necessary language is not  
32 certified or registered, the interpreter has been qualified by the  
33 judicial officer pursuant to this chapter;

34 (b) The court conducting the legal proceeding has an approved  
35 language assistance plan that complies with RCW 2.43.090; and

36 (c) The fee paid to the interpreter for services is in accordance  
37 with standards established by the administrative office of the  
38 courts.

1       **Sec. 2.** RCW 2.48.190 and 1987 c 202 s 107 are each amended to  
2 read as follows:

3       No person shall be permitted to practice as an attorney or  
4 counselor at law or to do work of a legal nature for compensation, or  
5 to represent himself or herself as an attorney or counselor at law or  
6 qualified to do work of a legal nature, unless he or she is ((a  
7 ~~citizen of the United States and~~)) a bona fide resident of this state  
8 and has been admitted to practice law in this state: PROVIDED, That  
9 any person may appear and conduct his or her own case in any action  
10 or proceeding brought by or against him or her, or may appear in his  
11 or her own behalf in the small claims department of the district  
12 court: AND PROVIDED FURTHER, That an attorney of another state may  
13 appear as counselor in a court of this state without admission, upon  
14 satisfying the court that his or her state grants the same right to  
15 attorneys of this state.

16       NEW SECTION.   **Sec. 3.** RCW 2.48.210 (Oath on admission) and 2013  
17 c 23 s 1 & 1921 c 126 s 12 are each repealed.

18       **Sec. 4.** RCW 4.16.190 and 2020 c 312 s 702 are each amended to  
19 read as follows:

20       ((~~1~~)) Unless otherwise provided in this section, if a person  
21 entitled to bring an action mentioned in this chapter, except for a  
22 penalty or forfeiture, or against a sheriff or other officer, for an  
23 escape, be at the time the cause of action accrued either under the  
24 age of eighteen years, or incompetent or disabled to such a degree  
25 that he or she cannot understand the nature of the proceedings, such  
26 incompetency or disability as determined according to chapter 11.130  
27 RCW, or imprisoned on a criminal charge prior to sentencing, the time  
28 of such disability shall not be a part of the time limited for the  
29 commencement of action.

30       ((~~2~~ Subsection (1) of this section with respect to a person  
31 under the age of eighteen years does not apply to the time limited  
32 for the commencement of an action under RCW 4.16.350.))

33       NEW SECTION.   **Sec. 5.** RCW 4.56.250 (Claims for noneconomic  
34 damages—Limitation) and 1986 c 305 s 301 are each repealed.

35       **Sec. 6.** RCW 48.140.010 and 2006 c 8 s 201 are each amended to  
36 read as follows:

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

3 (1) "Claim" means a demand for monetary damages for injury or  
4 death caused by medical malpractice, and a voluntary indemnity  
5 payment for injury or death caused by medical malpractice made in the  
6 absence of a demand for monetary damages.

7 (2) "Claimant" means a person, including a decedent's estate, who  
8 is seeking or has sought monetary damages for injury or death caused  
9 by medical malpractice.

10 (3) "Closed claim" means a claim that has been settled or  
11 otherwise disposed of by the insuring entity, self-insurer, facility,  
12 or provider. A claim may be closed with or without an indemnity  
13 payment to a claimant.

14 (4) "Commissioner" means the insurance commissioner.

15 (5) "Economic damages" (~~(has the same meaning as in RCW~~  
16 ~~4.56.250(1)(a))~~) means objectively verifiable monetary losses,  
17 including medical expenses, loss of earnings, burial costs, loss of  
18 use of property, cost of replacement or repair, cost of obtaining  
19 substitute domestic services, loss of employment, and loss of  
20 business or employment opportunities.

21 (6) "Health care facility" or "facility" means a clinic,  
22 diagnostic center, hospital, laboratory, mental health center,  
23 nursing home, office, surgical facility, treatment facility, or  
24 similar place where a health care provider provides health care to  
25 patients, and includes entities described in RCW 7.70.020(3).

26 (7) "Health care provider" or "provider" has the same meaning as  
27 in RCW 7.70.020 (1) and (2).

28 (8) "Insuring entity" means:

29 (a) An insurer;

30 (b) A joint underwriting association;

31 (c) A risk retention group; or

32 (d) An unauthorized insurer that provides surplus lines coverage.

33 (9) "Medical malpractice" means an actual or alleged negligent  
34 act, error, or omission in providing or failing to provide health  
35 care services that is actionable under chapter 7.70 RCW.

36 (10) "Noneconomic damages" (~~(has the same meaning as in RCW~~  
37 ~~4.56.250(1)(b))~~) means subjective, nonmonetary losses including, but  
38 not limited to, pain, suffering, inconvenience, mental anguish,  
39 disability or disfigurement incurred by the injured party, emotional  
40 distress, loss of society and companionship, loss of consortium,

1 injury to reputation and humiliation, and destruction of the parent-  
2 child relationship.

3 (11) "Self-insurer" means any health care provider, facility, or  
4 other individual or entity that assumes operational or financial risk  
5 for claims of medical malpractice.

6 **Sec. 7.** RCW 6.25.030 and 2011 c 336 s 147 are each amended to  
7 read as follows:

8 The writ of attachment may be issued by the court in which the  
9 action is pending on one or more of the following grounds:

10 (1) That the defendant is a foreign corporation; or

11 (2) That the defendant is not a resident of this state; or

12 (3) That the defendant conceals himself or herself so that the  
13 ordinary process of law cannot be served upon him or her; or

14 (4) That the defendant has absconded or absented himself or  
15 herself from his or her usual place of abode in this state, so that  
16 the ordinary process of law cannot be served upon him or her; or

17 (5) That the defendant has removed or is about to remove any of  
18 his or her property from this state, with intent to delay or defraud  
19 his or her creditors; or

20 (6) That the defendant has assigned, secreted, or disposed of, or  
21 is about to assign, secrete, or dispose of, any of his or her  
22 property, with intent to delay or defraud his or her creditors; or

23 (7) That the defendant is about to convert his or her property,  
24 or a part thereof, into money, for the purpose of placing it beyond  
25 the reach of his or her creditors; or

26 (8) That the defendant has been guilty of a fraud in contracting  
27 the debt or incurring the obligation for which the action is brought;  
28 or

29 (9) That the damages for which the action is brought are for  
30 injuries arising from the commission of some felony, gross  
31 misdemeanor, or misdemeanor(~~(; or~~

32 ~~(10) That the object for which the action is brought is to~~  
33 ~~recover on a contract, express or implied)).~~

34 NEW SECTION. **Sec. 8.** The following acts or parts of acts are  
35 each repealed:

36 (1) RCW 7.48.050 (Moral nuisances—Definitions) and 1990 c 152 s  
37 1, 1979 c 1 s 1 (Initiative Measure No. 335, approved November 8,  
38 1977), & 1913 c 127 s 1;

1 (2) RCW 7.48.052 (Moral nuisances) and 1990 c 152 s 2, 1988 c 141  
2 s 1, & 1979 c 1 s 2 (Initiative Measure No. 335, approved November 8,  
3 1977);

4 (3) RCW 7.48.054 (Moral nuisance—Personal property—Effects of  
5 notice) and 1990 c 152 s 3 & 1979 c 1 s 3 (Initiative Measure No.  
6 335, approved November 8, 1977);

7 (4) RCW 7.48.056 (Abate moral nuisance—Enjoin owner) and 1979 c 1  
8 s 4 (Initiative Measure No. 335, approved November 8, 1977);

9 (5) RCW 7.48.058 (Maintaining action to abate moral nuisance—  
10 Bond) and 2011 c 336 s 212 & 1979 c 1 s 5 (Initiative Measure No.  
11 335, approved November 8, 1977);

12 (6) RCW 7.48.060 (Moral nuisance—Jurisdiction—Filing a  
13 complaint) and 1979 c 1 s 6 (Initiative Measure No. 335, approved  
14 November 8, 1977) & 1913 c 127 s 2;

15 (7) RCW 7.48.062 (Moral nuisance—Restraining order—Violations)  
16 and 1979 c 1 s 7 (Initiative Measure No. 335, approved November 8,  
17 1977);

18 (8) RCW 7.48.064 (Moral nuisance—Hearing—Notice—Consolidation  
19 with trial) and 1979 c 1 s 8 (Initiative Measure No. 335, approved  
20 November 8, 1977);

21 (9) RCW 7.48.066 (Finding of moral nuisance—Orders) and 1979 c 1  
22 s 9 (Initiative Measure No. 335, approved November 8, 1977);

23 (10) RCW 7.48.068 (Abatement of moral nuisance by owner—Effect on  
24 injunction) and 1979 c 1 s 10 (Initiative Measure No. 335, approved  
25 November 8, 1977);

26 (11) RCW 7.48.070 (Moral nuisance—Priority of action on calendar)  
27 and 1979 c 1 s 11 (Initiative Measure No. 335, approved November 8,  
28 1977) & 1913 c 127 s 3;

29 (12) RCW 7.48.072 (Moral nuisance—Effects of admission or finding  
30 of guilt) and 1979 c 1 s 12 (Initiative Measure No. 335, approved  
31 November 8, 1977);

32 (13) RCW 7.48.074 (Moral nuisance—Evidence of reputation—  
33 Admissibility) and 1979 c 1 s 13 (Initiative Measure No. 335,  
34 approved November 8, 1977);

35 (14) RCW 7.48.076 (Moral nuisance—Trial—Costs—Dismissal—  
36 Judgment) and 2011 c 336 s 213 & 1979 c 1 s 14 (Initiative Measure  
37 No. 335, approved November 8, 1977);

1 (15) RCW 7.48.078 (Moral nuisance—Judgment—Penalties—Disposal  
2 of personal property) and 2011 c 336 s 214 & 1979 c 1 s 15  
3 (Initiative Measure No. 335, approved November 8, 1977);

4 (16) RCW 7.48.080 (Moral nuisance—Violation of injunction—  
5 Contempt of court) and 1989 c 373 s 11, 1979 c 1 s 16 (Initiative  
6 Measure No. 335, approved November 8, 1977), & 1913 c 127 s 4;

7 (17) RCW 7.48.085 (Moral nuisance—Property owner may repossess)  
8 and 2011 c 336 s 215 & 1979 c 1 s 17 (Initiative Measure No. 335,  
9 approved November 8, 1977);

10 (18) RCW 7.48.090 (Moral nuisance—Contraband—Forfeitures) and  
11 1979 c 1 s 18 (Initiative Measure No. 335, approved November 8,  
12 1977), 1927 c 94 s 1, & 1913 c 127 s 5; and

13 (19) RCW 7.48.100 (Moral nuisance—Immunity of certain motion  
14 picture theater employees) and 2011 c 336 s 216, 1979 c 1 s 19  
15 (Initiative Measure No. 335, approved November 8, 1977), 1927 c 94 s  
16 2, & 1913 c 127 s 6.

17 **Sec. 9.** RCW 10.105.900 and 2003 c 39 s 6 are each amended to  
18 read as follows:

19 This chapter does not apply to property subject to forfeiture  
20 under chapter 66.32 RCW, RCW 69.50.505, 9.41.098, 9.46.231,  
21 9A.82.100, 9A.83.030, (~~7.48.090,~~) or 77.15.070.

22 NEW SECTION. **Sec. 10.** The following acts or parts of acts are  
23 each repealed:

24 (1) RCW 9.81.010 (Definitions) and 1953 c 142 s 1 & 1951 c 254 s  
25 1;

26 (2) RCW 9.81.020 (Subversive activities made felony—Penalty) and  
27 2003 c 53 s 44 & 1951 c 254 s 2;

28 (3) RCW 9.81.030 (Membership in subversive organization is felony  
29 —Penalty) and 2003 c 53 s 45 & 1951 c 254 s 3;

30 (4) RCW 9.81.040 (Disqualification from voting or holding public  
31 office) and 1951 c 254 s 4;

32 (5) RCW 9.81.050 (Dissolution of subversive organizations—  
33 Disposition of property) and 1951 c 254 s 5;

34 (6) RCW 9.81.060 (Public employment—Subversive person ineligible)  
35 and 1951 c 254 s 11;

36 (7) RCW 9.81.070 (Public employment—Determining eligibility—  
37 Inquiries—Oath) and 1955 c 377 s 1 & 1951 c 254 s 12;

1 (8) RCW 9.81.080 (Public employment—Inquiries may be dispensed  
2 with, when) and 1955 c 377 s 2 & 1951 c 254 s 13;

3 (9) RCW 9.81.082 (Membership in subversive organization  
4 described) and 1955 c 377 s 3;

5 (10) RCW 9.81.083 (Communist party declared a subversive  
6 organization) and 1955 c 377 s 4;

7 (11) RCW 9.81.090 (Public employees—Discharge of subversive  
8 persons—Procedure—Hearing—Appeal) and 2011 c 336 s 328, 1971 c 81 s  
9 44, & 1951 c 254 s 15;

10 (12) RCW 9.81.110 (Misstatements are punishable as perjury—  
11 Penalty) and 1951 c 254 s 17; and

12 (13) RCW 9.81.120 (Constitutional rights—Censorship or  
13 infringement) and 1951 c 254 s 19.

14 NEW SECTION. **Sec. 11.** RCW 9.91.180 (Violent video or computer  
15 games) and 2003 c 365 s 2 are each repealed.

16 **Sec. 12.** RCW 7.80.120 and 2022 c 105 s 1 are each amended to  
17 read as follows:

18 (1) A person found to have committed a civil infraction shall be  
19 assessed a monetary penalty.

20 (a) The maximum penalty and the default amount for a class 1  
21 civil infraction shall be \$250, not including statutory assessments,  
22 except for an infraction of state law involving (i) potentially  
23 dangerous litter as specified in RCW 70A.200.060(4) (~~or violent~~  
24 ~~video or computer games under RCW 9.91.180~~), in which case the  
25 maximum penalty and default amount is \$500; or (ii) a person's  
26 refusal to submit to a test or tests pursuant to RCW 79A.60.040 and  
27 79A.60.700, in which case the maximum penalty and default amount is  
28 \$1,000; or (iii) the misrepresentation of service animals under RCW  
29 49.60.214, in which case the maximum penalty and default amount is  
30 \$500; or (iv) untraceable firearms pursuant to RCW 9.41.326 or  
31 unfinished frames or receivers pursuant to RCW 9.41.327, in which  
32 case the maximum penalty and default amount is \$500;

33 (b) The maximum penalty and the default amount for a class 2  
34 civil infraction shall be \$125, not including statutory assessments;

35 (c) The maximum penalty and the default amount for a class 3  
36 civil infraction shall be \$50, not including statutory assessments;  
37 and



1 (d) The maximum penalty and the default amount for a class 4  
2 civil infraction shall be \$25, not including statutory assessments.

3 (2) The supreme court shall prescribe by rule the conditions  
4 under which local courts may exercise discretion in assessing fines  
5 for civil infractions.

6 (3) Whenever a monetary penalty is imposed by a court under this  
7 chapter it is immediately payable. If the person is unable to pay at  
8 that time the court may grant an extension of the period in which the  
9 penalty may be paid. If the penalty is not paid on or before the time  
10 established for payment, the court may proceed to collect the penalty  
11 in the same manner as other civil judgments and may notify the  
12 prosecuting authority of the failure to pay.

13 (4) The court may also order a person found to have committed a  
14 civil infraction to make restitution.

15 NEW SECTION. **Sec. 13.** RCW 9.92.100 (Prevention of procreation)  
16 and 1909 c 249 s 35 are each repealed.

17 **Sec. 14.** RCW 9.94A.530 and 2008 c 231 s 4 are each amended to  
18 read as follows:

19 (1) The intersection of the column defined by the offender score  
20 and the row defined by the offense seriousness score determines the  
21 standard sentence range (see RCW 9.94A.510, (Table 1) and RCW  
22 9.94A.517, (Table 3)). The additional time for deadly weapon findings  
23 or for other adjustments as specified in RCW 9.94A.533 shall be added  
24 to the entire standard sentence range. The court may impose any  
25 sentence within the range that it deems appropriate. All standard  
26 sentence ranges are expressed in terms of total confinement.

27 (2) In determining any sentence other than a sentence above the  
28 standard range, the trial court may rely on no more information than  
29 is admitted by the plea agreement, or admitted, acknowledged, or  
30 proved in a trial or at the time of sentencing, or proven pursuant to  
31 RCW 9.94A.537. (~~Acknowledgment includes not objecting to information~~  
32 ~~stated in the presentence reports and not objecting to criminal~~  
33 ~~history presented at the time of sentencing.)) Where the defendant  
34 disputes material facts, the court must either not consider the fact  
35 or grant an evidentiary hearing on the point. The facts shall be  
36 deemed proved at the hearing by a preponderance of the evidence,  
37 except as otherwise specified in RCW 9.94A.537. On remand for  
38 resentencing following appeal or collateral attack, the parties shall~~

1 have the opportunity to present and the court to consider all  
2 relevant evidence regarding criminal history, including criminal  
3 history not previously presented.

4 (3) In determining any sentence above the standard sentence  
5 range, the court shall follow the procedures set forth in RCW  
6 9.94A.537. Facts that establish the elements of a more serious crime  
7 or additional crimes may not be used to go outside the standard  
8 sentence range except upon stipulation or when specifically provided  
9 for in RCW 9.94A.535(3)(d), (e), (g), and (h).

10 **Sec. 15.** RCW 9A.46.020 and 2011 c 64 s 1 are each amended to  
11 read as follows:

12 (1) A person is guilty of harassment if:

13 (a) Without lawful authority, the person knowingly threatens:

14 (i) To cause bodily injury immediately or in the future to the  
15 person threatened or to any other person; or

16 (ii) To cause physical damage to the property of a person other  
17 than the actor; or

18 (iii) To subject the person threatened or any other person to  
19 physical confinement or restraint; or

20 (iv) Maliciously to do any other act which is intended to  
21 substantially harm the person threatened or another with respect to  
22 his or her physical (~~or mental~~) health or safety; and

23 (b) The person by words or conduct places the person threatened  
24 in reasonable fear that the threat will be carried out. "Words or  
25 conduct" includes, in addition to any other form of communication or  
26 conduct, the sending of an electronic communication.

27 (2)(a) Except as provided in (b) of this subsection, a person who  
28 harasses another is guilty of a gross misdemeanor.

29 (b) A person who harasses another is guilty of a class C felony  
30 if any of the following apply: (i) The person has previously been  
31 convicted in this or any other state of any crime of harassment, as  
32 defined in RCW 9A.46.060, of the same victim or members of the  
33 victim's family or household or any person specifically named in a  
34 no-contact or no-harassment order; (ii) the person harasses another  
35 person under subsection (1)(a)(i) of this section by threatening to  
36 kill the person threatened or any other person; (iii) the person  
37 harasses a criminal justice participant who is performing his or her  
38 official duties at the time the threat is made; or (iv) the person  
39 harasses a criminal justice participant because of an action taken or

1 decision made by the criminal justice participant during the  
2 performance of his or her official duties. For the purposes of  
3 (b)(iii) and (iv) of this subsection, the fear from the threat must  
4 be a fear that a reasonable criminal justice participant would have  
5 under all the circumstances. Threatening words do not constitute  
6 harassment if it is apparent to the criminal justice participant that  
7 the person does not have the present and future ability to carry out  
8 the threat.

9 (3) Any criminal justice participant who is a target for threats  
10 or harassment prohibited under subsection (2)(b)(iii) or (iv) of this  
11 section, and any family members residing with him or her, shall be  
12 eligible for the address confidentiality program created under RCW  
13 40.24.030.

14 (4) For purposes of this section, a criminal justice participant  
15 includes any (a) federal, state, or local law enforcement agency  
16 employee; (b) federal, state, or local prosecuting attorney or deputy  
17 prosecuting attorney; (c) staff member of any adult corrections  
18 institution or local adult detention facility; (d) staff member of  
19 any juvenile corrections institution or local juvenile detention  
20 facility; (e) community corrections officer, probation, or parole  
21 officer; (f) member of the indeterminate sentence review board; (g)  
22 advocate from a crime victim/witness program; or (h) defense  
23 attorney.

24 (5) The penalties provided in this section for harassment do not  
25 preclude the victim from seeking any other remedy otherwise available  
26 under law.

27 **Sec. 16.** RCW 10.05.030 and 2021 c 215 s 116 are each amended to  
28 read as follows:

29 The arraigning judge upon consideration of the petition (~~and~~  
30 ~~with the concurrence of the prosecuting attorney~~) may continue the  
31 arraignment and refer such person for a diagnostic investigation and  
32 evaluation to:

33 (1) An approved substance use disorder treatment program as  
34 designated in chapter 71.24 RCW if the petition alleges a substance  
35 use disorder;

36 (2) An approved mental health center if the petition alleges a  
37 mental problem;

38 (3) The department of social and health services if the petition  
39 is brought under RCW 10.05.020(2); or

1 (4) An approved state-certified domestic violence treatment  
2 provider pursuant to RCW 43.20A.735 if the petition alleges a  
3 domestic violence behavior problem.

4 NEW SECTION. **Sec. 17.** RCW 10.52.100 (Identity of child victims  
5 of sexual assault not to be disclosed) and 1992 c 188 s 9 are each  
6 repealed.

7 NEW SECTION. **Sec. 18.** RCW 10.58.090 (Sex offenses—  
8 Admissibility) and 2008 c 90 s 2 are each repealed.

9 **Sec. 19.** RCW 10.95.030 and 2015 c 134 s 5 are each amended to  
10 read as follows:

11 (1) Except as provided in subsection((s)) (2) (~~and (3)~~) of this  
12 section, any person convicted of the crime of aggravated first degree  
13 murder shall be sentenced to life imprisonment without possibility of  
14 release or parole. A person sentenced to life imprisonment under this  
15 section shall not have that sentence suspended, deferred, or commuted  
16 by any judicial officer and the indeterminate sentence review board  
17 or its successor may not parole such prisoner nor reduce the period  
18 of confinement in any manner whatsoever including but not limited to  
19 any sort of good-time calculation. The department of social and  
20 health services or its successor or any executive official may not  
21 permit such prisoner to participate in any sort of release or  
22 furlough program.

23 ~~(2) ((If, pursuant to a special sentencing proceeding held under  
24 RCW 10.95.050, the trier of fact finds that there are not sufficient  
25 mitigating circumstances to merit leniency, the sentence shall be  
26 death. In no case, however, shall a person be sentenced to death if  
27 the person had an intellectual disability at the time the crime was  
28 committed, under the definition of intellectual disability set forth  
29 in (a) of this subsection. A diagnosis of intellectual disability  
30 shall be documented by a licensed psychiatrist or licensed  
31 psychologist designated by the court, who is an expert in the  
32 diagnosis and evaluation of intellectual disabilities. The defense  
33 must establish an intellectual disability by a preponderance of the  
34 evidence and the court must make a finding as to the existence of an  
35 intellectual disability.~~

36 ~~(a) "Intellectual disability" means the individual has: (i)  
37 Significantly subaverage general intellectual functioning; (ii)~~

1 ~~existing concurrently with deficits in adaptive behavior; and (iii)~~  
2 ~~both significantly subaverage general intellectual functioning and~~  
3 ~~deficits in adaptive behavior were manifested during the~~  
4 ~~developmental period.~~

5 ~~(b) "General intellectual functioning" means the results obtained~~  
6 ~~by assessment with one or more of the individually administered~~  
7 ~~general intelligence tests developed for the purpose of assessing~~  
8 ~~intellectual functioning.~~

9 ~~(c) "Significantly subaverage general intellectual functioning"~~  
10 ~~means intelligence quotient seventy or below.~~

11 ~~(d) "Adaptive behavior" means the effectiveness or degree with~~  
12 ~~which individuals meet the standards of personal independence and~~  
13 ~~social responsibility expected for his or her age.~~

14 ~~(e) "Developmental period" means the period of time between~~  
15 ~~conception and the eighteenth birthday.~~

16 ~~(3))~~ (a) (i) Any person convicted of the crime of aggravated first  
17 degree murder for an offense committed prior to the person's  
18 sixteenth birthday shall be sentenced to a maximum term of life  
19 imprisonment and a minimum term of total confinement of twenty-five  
20 years.

21 (ii) Any person convicted of the crime of aggravated first degree  
22 murder for an offense committed when the person is at least sixteen  
23 years old but less than eighteen years old shall be sentenced to a  
24 maximum term of life imprisonment and a minimum term of total  
25 confinement of no less than twenty-five years. A minimum term of life  
26 may be imposed, in which case the person will be ineligible for  
27 parole or early release.

28 (b) In setting a minimum term, the court must take into account  
29 mitigating factors that account for the diminished culpability of  
30 youth as provided in *Miller v. Alabama*, 132 S.Ct. 2455 (2012)  
31 including, but not limited to, the age of the individual, the youth's  
32 childhood and life experience, the degree of responsibility the youth  
33 was capable of exercising, and the youth's chances of becoming  
34 rehabilitated.

35 (c) A person sentenced under this subsection shall serve the  
36 sentence in a facility or institution operated, or utilized under  
37 contract, by the state. During the minimum term of total confinement,  
38 the person shall not be eligible for community custody, earned  
39 release time, furlough, home detention, partial confinement, work  
40 crew, work release, or any other form of early release authorized

1 under RCW 9.94A.728, or any other form of authorized leave or absence  
2 from the correctional facility while not in the direct custody of a  
3 corrections officer. The provisions of this subsection shall not  
4 apply: (i) In the case of an offender in need of emergency medical  
5 treatment; or (ii) for an extraordinary medical placement when  
6 authorized under RCW 9.94A.728(~~(3)~~) (1)(c).

7 (d) Any person sentenced pursuant to this subsection shall be  
8 subject to community custody under the supervision of the department  
9 of corrections and the authority of the indeterminate sentence review  
10 board. As part of any sentence under this subsection, the court shall  
11 require the person to comply with any conditions imposed by the  
12 board.

13 (e) No later than five years prior to the expiration of the  
14 person's minimum term, the department of corrections shall conduct an  
15 assessment of the offender and identify programming and services that  
16 would be appropriate to prepare the offender for return to the  
17 community. To the extent possible, the department shall make  
18 programming available as identified by the assessment.

19 (f) No later than one hundred eighty days prior to the expiration  
20 of the person's minimum term, the department of corrections shall  
21 conduct, and the offender shall participate in, an examination of the  
22 person, incorporating methodologies that are recognized by experts in  
23 the prediction of dangerousness, and including a prediction of the  
24 probability that the person will engage in future criminal behavior  
25 if released on conditions to be set by the board. The board may  
26 consider a person's failure to participate in an evaluation under  
27 this subsection in determining whether to release the person. The  
28 board shall order the person released, under such affirmative and  
29 other conditions as the board determines appropriate, unless the  
30 board determines by a preponderance of the evidence that, despite  
31 such conditions, it is more likely than not that the person will  
32 commit new criminal law violations if released. If the board does not  
33 order the person released, the board shall set a new minimum term not  
34 to exceed five additional years. The board shall give public safety  
35 considerations the highest priority when making all discretionary  
36 decisions regarding the ability for release and conditions of  
37 release.

38 (g) In a hearing conducted under (f) of this subsection, the  
39 board shall provide opportunities for victims and survivors of  
40 victims of any crimes for which the offender has been convicted to

1 present statements as set forth in RCW 7.69.032. The procedures for  
2 victim and survivor of victim input shall be provided by rule. To  
3 facilitate victim and survivor of victim involvement, county  
4 prosecutor's offices shall ensure that any victim impact statements  
5 and known contact information for victims of record and survivors of  
6 victims are forwarded as part of the judgment and sentence.

7 (h) An offender released by the board is subject to the  
8 supervision of the department of corrections for a period of time to  
9 be determined by the board. The department shall monitor the  
10 offender's compliance with conditions of community custody imposed by  
11 the court or board and promptly report any violations to the board.  
12 Any violation of conditions of community custody established or  
13 modified by the board are subject to the provisions of RCW 9.95.425  
14 through 9.95.440.

15 (i) An offender released or discharged under this section may be  
16 returned to the institution at the discretion of the board if the  
17 offender is found to have violated a condition of community custody.  
18 The offender is entitled to a hearing pursuant to RCW 9.95.435. The  
19 board shall set a new minimum term of incarceration not to exceed  
20 five years.

21 NEW SECTION. **Sec. 20.** The following acts or parts of acts are  
22 each repealed:

23 (1) RCW 10.95.040 (Special sentencing proceeding—Notice—Filing—  
24 Service) and 1981 c 138 s 4;

25 (2) RCW 10.95.050 (Special sentencing proceeding—When held—Jury  
26 to decide matters presented—Waiver—Reconvening same jury—  
27 Impanelling new jury—Peremptory challenges) and 1981 c 138 s 5;

28 (3) RCW 10.95.060 (Special sentencing proceeding—Jury  
29 instructions—Opening statements—Evidence—Arguments—Question for  
30 jury) and 1981 c 138 s 6;

31 (4) RCW 10.95.070 (Special sentencing proceeding—Factors which  
32 jury may consider in deciding whether leniency merited) and 2010 c 94  
33 s 4, 1993 c 479 s 2, & 1981 c 138 s 7;

34 (5) RCW 10.95.080 (When sentence to death or sentence to life  
35 imprisonment shall be imposed) and 1981 c 138 s 8;

36 (6) RCW 10.95.090 (Sentence if death sentence commuted, held  
37 invalid, or if death sentence established by chapter held invalid)  
38 and 1981 c 138 s 9;

1 (7) RCW 10.95.100 (Mandatory review of death sentence by supreme  
2 court—Notice—Transmittal—Contents of notice—Jurisdiction) and 1981  
3 c 138 s 10;

4 (8) RCW 10.95.110 (Verbatim report of trial proceedings—  
5 Preparation—Transmittal to supreme court—Clerk's papers—Receipt)  
6 and 1981 c 138 s 11;

7 (9) RCW 10.95.120 (Information report—Form—Contents—Submission  
8 to supreme court, defendant, prosecuting attorney) and 1981 c 138 s  
9 12;

10 (10) RCW 10.95.130 (Questions posed for determination by supreme  
11 court in death sentence review—Review in addition to appeal—  
12 Consolidation of review and appeal) and 2010 c 94 s 5, 1993 c 479 s  
13 3, & 1981 c 138 s 13;

14 (11) RCW 10.95.140 (Invalidation of sentence, remand for  
15 resentencing—Affirmation of sentence, remand for execution) and 1993  
16 c 479 s 4 & 1981 c 138 s 14;

17 (12) RCW 10.95.150 (Time limit for appellate review of death  
18 sentence and filing opinion) and 1988 c 202 s 17 & 1981 c 138 s 15;

19 (13) RCW 10.95.160 (Death warrant—Issuance—Form—Time for  
20 execution of judgment and sentence) and 1990 c 263 s 1 & 1981 c 138 s  
21 16;

22 (14) RCW 10.95.170 (Imprisonment of defendant) and 1983 c 255 s 1  
23 & 1981 c 138 s 17;

24 (15) RCW 10.95.180 (Death penalty—How executed) and 1996 c 251 s  
25 1, 1986 c 194 s 1, & 1981 c 138 s 18;

26 (16) RCW 10.95.185 (Witnesses) and 1999 c 332 s 1 & 1993 c 463 s  
27 2;

28 (17) RCW 10.95.190 (Death warrant—Record—Return to trial court)  
29 and 1981 c 138 s 19;

30 (18) RCW 10.95.200 (Proceedings for failure to execute on day  
31 named) and 1990 c 263 s 2, 1987 c 286 s 1, & 1981 c 138 s 20; and

32 (19) RCW 10.95.901 (Construction—Chapter applicable to state  
33 registered domestic partnerships—2009 c 521) and 2009 c 521 s 28.

34 **Sec. 21.** RCW 10.95.035 and 2015 c 134 s 7 are each amended to  
35 read as follows:

36 (1) A person, who was sentenced prior to June 1, 2014, under this  
37 chapter or any prior law, to a term of life without the possibility  
38 of parole for an offense committed prior to their eighteenth



1 birthday, shall be returned to the sentencing court or the sentencing  
2 court's successor for sentencing consistent with RCW 10.95.030.  
3 Release and supervision of a person who receives a minimum term of  
4 less than life will be governed by RCW 10.95.030.

5 (2) The court shall provide an opportunity for victims and  
6 survivors of victims of any crimes for which the offender has been  
7 convicted to present a statement personally or by representation.

8 ~~(3) ((The court's order setting a minimum term is subject to  
9 review to the same extent as a minimum term decision by the parole  
10 board before July 1, 1986.~~

11 ~~(4))~~) A resentencing under this section shall not reopen the  
12 defendant's conviction to challenges that would otherwise be barred  
13 by RCW 10.73.090, 10.73.100, 10.73.140, or other procedural barriers.

14 **Sec. 22.** RCW 10.95.030 and 2015 c 134 s 5 are each amended to  
15 read as follows:

16 (1) Except as provided in subsections (2) and (3) of this  
17 section, any person convicted of the crime of aggravated first degree  
18 murder shall be sentenced to life imprisonment without possibility of  
19 release or parole. A person sentenced to life imprisonment under this  
20 section shall not have that sentence suspended, deferred, or commuted  
21 by any judicial officer and the indeterminate sentence review board  
22 or its successor may not parole such prisoner nor reduce the period  
23 of confinement in any manner whatsoever including but not limited to  
24 any sort of good-time calculation. The department of social and  
25 health services or its successor or any executive official may not  
26 permit such prisoner to participate in any sort of release or  
27 furlough program.

28 (2) If, pursuant to a special sentencing proceeding held under  
29 RCW 10.95.050, the trier of fact finds that there are not sufficient  
30 mitigating circumstances to merit leniency, the sentence shall be  
31 death. In no case, however, shall a person be sentenced to death if  
32 the person had an intellectual disability at the time the crime was  
33 committed, under the definition of intellectual disability set forth  
34 in (a) of this subsection. A diagnosis of intellectual disability  
35 shall be documented by a licensed psychiatrist or licensed  
36 psychologist designated by the court, who is an expert in the  
37 diagnosis and evaluation of intellectual disabilities. The defense  
38 must establish an intellectual disability by a preponderance of the

1 evidence and the court must make a finding as to the existence of an  
2 intellectual disability.

3 (a) "Intellectual disability" means the individual has: (i)  
4 Significantly subaverage general intellectual functioning; (ii)  
5 existing concurrently with deficits in adaptive behavior; and (iii)  
6 both significantly subaverage general intellectual functioning and  
7 deficits in adaptive behavior were manifested during the  
8 developmental period.

9 (b) "General intellectual functioning" means the results obtained  
10 by assessment with one or more of the individually administered  
11 general intelligence tests developed for the purpose of assessing  
12 intellectual functioning.

13 (c) "Significantly subaverage general intellectual functioning"  
14 means intelligence quotient seventy or below.

15 (d) "Adaptive behavior" means the effectiveness or degree with  
16 which individuals meet the standards of personal independence and  
17 social responsibility expected for his or her age.

18 (e) "Developmental period" means the period of time between  
19 conception and the eighteenth birthday.

20 (3) (a) (i) Any person convicted of the crime of aggravated first  
21 degree murder for an offense committed prior to the person's  
22 sixteenth birthday shall be sentenced to a maximum term of life  
23 imprisonment and a minimum term of total confinement of twenty-five  
24 years.

25 (ii) Any person convicted of the crime of aggravated first degree  
26 murder for an offense committed when the person is at least sixteen  
27 years old but less than eighteen years old shall be sentenced to a  
28 maximum term of life imprisonment and a minimum term of total  
29 confinement of no less than twenty-five years. (~~(A minimum term of~~  
30 ~~life may be imposed, in which case the person will be ineligible for~~  
31 ~~parole or early release.))~~

32 (b) In setting a minimum term, the court must take into account  
33 mitigating factors that account for the diminished culpability of  
34 youth as provided in *Miller v. Alabama*, 132 S.Ct. 2455 (2012)  
35 including, but not limited to, the age of the individual, the youth's  
36 childhood and life experience, the degree of responsibility the youth  
37 was capable of exercising, and the youth's chances of becoming  
38 rehabilitated.

39 (c) A person sentenced under this subsection shall serve the  
40 sentence in a facility or institution operated, or utilized under

1 contract, by the state. During the minimum term of total confinement,  
2 the person shall not be eligible for community custody, earned  
3 release time, furlough, home detention, partial confinement, work  
4 crew, work release, or any other form of early release authorized  
5 under RCW 9.94A.728, or any other form of authorized leave or absence  
6 from the correctional facility while not in the direct custody of a  
7 corrections officer. The provisions of this subsection shall not  
8 apply: (i) In the case of an offender in need of emergency medical  
9 treatment; or (ii) for an extraordinary medical placement when  
10 authorized under RCW 9.94A.728(~~((3))~~) (1)(c).

11 (d) Any person sentenced pursuant to this subsection shall be  
12 subject to community custody under the supervision of the department  
13 of corrections and the authority of the indeterminate sentence review  
14 board. As part of any sentence under this subsection, the court shall  
15 require the person to comply with any conditions imposed by the  
16 board.

17 (e) No later than five years prior to the expiration of the  
18 person's minimum term, the department of corrections shall conduct an  
19 assessment of the offender and identify programming and services that  
20 would be appropriate to prepare the offender for return to the  
21 community. To the extent possible, the department shall make  
22 programming available as identified by the assessment.

23 (f) No later than one hundred eighty days prior to the expiration  
24 of the person's minimum term, the department of corrections shall  
25 conduct, and the offender shall participate in, an examination of the  
26 person, incorporating methodologies that are recognized by experts in  
27 the prediction of dangerousness, and including a prediction of the  
28 probability that the person will engage in future criminal behavior  
29 if released on conditions to be set by the board. The board may  
30 consider a person's failure to participate in an evaluation under  
31 this subsection in determining whether to release the person. The  
32 board shall order the person released, under such affirmative and  
33 other conditions as the board determines appropriate, unless the  
34 board determines by a preponderance of the evidence that, despite  
35 such conditions, it is more likely than not that the person will  
36 commit new criminal law violations if released. If the board does not  
37 order the person released, the board shall set a new minimum term not  
38 to exceed five additional years. The board shall give public safety  
39 considerations the highest priority when making all discretionary

1 decisions regarding the ability for release and conditions of  
2 release.

3 (g) In a hearing conducted under (f) of this subsection, the  
4 board shall provide opportunities for victims and survivors of  
5 victims of any crimes for which the offender has been convicted to  
6 present statements as set forth in RCW 7.69.032. The procedures for  
7 victim and survivor of victim input shall be provided by rule. To  
8 facilitate victim and survivor of victim involvement, county  
9 prosecutor's offices shall ensure that any victim impact statements  
10 and known contact information for victims of record and survivors of  
11 victims are forwarded as part of the judgment and sentence.

12 (h) An offender released by the board is subject to the  
13 supervision of the department of corrections for a period of time to  
14 be determined by the board. The department shall monitor the  
15 offender's compliance with conditions of community custody imposed by  
16 the court or board and promptly report any violations to the board.  
17 Any violation of conditions of community custody established or  
18 modified by the board are subject to the provisions of RCW 9.95.425  
19 through 9.95.440.

20 (i) An offender released or discharged under this section may be  
21 returned to the institution at the discretion of the board if the  
22 offender is found to have violated a condition of community custody.  
23 The offender is entitled to a hearing pursuant to RCW 9.95.435. The  
24 board shall set a new minimum term of incarceration not to exceed  
25 five years.

26 NEW SECTION. **Sec. 23.** RCW 18.108.190 (Inspection of premises by  
27 law enforcement personnel) and 1975 1st ex.s. c 280 s 20 are each  
28 repealed.

29 NEW SECTION. **Sec. 24.** RCW 35.13.165 (Termination of annexation  
30 proceedings in cities over four hundred thousand—Declarations of  
31 termination filed by property owners) and 1989 c 351 s 7 & 1981 c 332  
32 s 2 are each repealed.

33 NEW SECTION. **Sec. 25.** The following acts or parts of acts are  
34 each repealed:

- 35 (1) RCW 36.105.010 (Purpose) and 1991 c 363 s 99;  
36 (2) RCW 36.105.020 (Definitions) and 1991 c 363 s 100;  
37 (3) RCW 36.105.030 (Minimum requirements) and 1991 c 363 s 101;

1 (4) RCW 36.105.040 (Creation) and 1991 c 363 s 102;  
2 (5) RCW 36.105.050 (Election of initial community councilmembers)  
3 and 2015 c 53 s 68 & 1991 c 363 s 103;  
4 (6) RCW 36.105.060 (Community councilmembers—Election—Terms) and  
5 1991 c 363 s 104;  
6 (7) RCW 36.105.070 (Responsibility of county legislative  
7 authority) and 1991 c 363 s 105;  
8 (8) RCW 36.105.080 (Powers) and 1991 c 363 s 106;  
9 (9) RCW 36.105.090 (Annexation) and 1991 c 363 s 107;  
10 (10) RCW 36.105.100 (Dissolution) and 1991 c 363 s 108;  
11 (11) RCW 39.88.010 (Declaration) and 1982 1st ex.s. c 42 s 2;  
12 (12) RCW 39.88.020 (Definitions) and 2011 c 336 s 815 & 1982 1st  
13 ex.s. c 42 s 3;  
14 (13) RCW 39.88.030 (Authority—Limitations) and 1982 1st ex.s. c  
15 42 s 4;  
16 (14) RCW 39.88.040 (Procedure for adoption of public improvement)  
17 and 1982 1st ex.s. c 42 s 5;  
18 (15) RCW 39.88.050 (Notice of public improvement) and 1982 1st  
19 ex.s. c 42 s 6;  
20 (16) RCW 39.88.060 (Disagreements between taxing districts) and  
21 1989 c 378 s 1 & 1982 1st ex.s. c 42 s 7;  
22 (17) RCW 39.88.070 (Apportionment of taxes) and 1982 1st ex.s. c  
23 42 s 8;  
24 (18) RCW 39.88.080 (Application of tax allocation revenues) and  
25 1982 1st ex.s. c 42 s 9;  
26 (19) RCW 39.88.090 (General obligation bonds) and 1982 1st ex.s.  
27 c 42 s 10;  
28 (20) RCW 39.88.100 (Tax allocation bonds) and 1982 1st ex.s. c 42  
29 s 11;  
30 (21) RCW 39.88.110 (Legal investments) and 1982 1st ex.s. c 42 s  
31 13;  
32 (22) RCW 39.88.120 (Notice to state) and 1982 1st ex.s. c 42 s  
33 14;  
34 (23) RCW 39.88.130 (Conclusive presumption of validity) and 1982  
35 1st ex.s. c 42 s 15;  
36 (24) RCW 39.88.900 (Supplemental nature of chapter) and 1982 1st  
37 ex.s. c 42 s 16;  
38 (25) RCW 39.88.905 (Short title) and 1982 1st ex.s. c 42 s 1; and

1 (26) RCW 39.88.910 (Captions not part of law—1982 1st ex.s. c 42)  
2 and 1982 1st ex.s. c 42 s 17.

3 NEW SECTION. **Sec. 26.** RCW 41.20.110 (Withdrawal of pension—  
4 Grounds) and 2012 c 117 s 30, 1937 c 24 s 5, & 1909 c 39 s 10 are  
5 each repealed.

6 **Sec. 27.** RCW 41.56.0251 and 2016 c 241 s 137 are each amended to  
7 read as follows:

8 In addition to the entities listed in RCW 41.56.020, this chapter  
9 applies to any charter school established under chapter 28A.710 RCW.  
10 (~~Any bargaining unit or units established at the charter school must  
11 be limited to employees working in the charter school and must be  
12 separate from other bargaining units in school districts, educational  
13 service districts, or institutions of higher education.~~) Any charter  
14 school established under chapter 28A.710 RCW is a separate employer  
15 from any school district, including the school district in which it  
16 is located.

17 NEW SECTION. **Sec. 28.** RCW 47.44.030 (Removal of facilities—  
18 Notice—Reimbursement, when) and 1984 c 7 s 234 & 1961 c 13 s  
19 47.44.030 are each repealed.

20 NEW SECTION. **Sec. 29.** The following acts or parts of acts are  
21 each repealed:

22 (1) RCW 49.32.072 (Injunctions—Hearings and findings—Temporary  
23 orders—Security) and 2012 c 117 s 130 & 1933 ex.s. c 7 s 7;

24 (2) RCW 49.32.073 (Injunctions—Complaints, conditions precedent)  
25 and 1933 ex.s. c 7 s 8; and

26 (3) RCW 49.32.074 (Injunctions—Findings and order essential) and  
27 1933 ex.s. c 7 s 9.

28 NEW SECTION. **Sec. 30.** RCW 66.24.480 (Bottle clubs—License  
29 required) and 2012 c 117 s 281 & 1951 c 120 s 2 (adding a new section  
30 to Title 66 RCW) are each repealed.

31 NEW SECTION. **Sec. 31.** RCW 66.28.080 (Permit for music and  
32 dancing upon licensed premises) and 1969 ex.s. c 178 s 8, 1949 c 5 s

1 7, & 1937 c 217 s 3 (adding new section 27-A to 1933 ex.s. c 62) are  
2 each repealed.

3 **Sec. 32.** RCW 35A.66.020 and 1967 ex.s. c 119 s 35A.66.020 are  
4 each amended to read as follows:

5 The qualified electors of any code city may petition for an  
6 election upon the question of whether the sale of liquor shall be  
7 permitted within the boundaries of such city as provided by chapter  
8 66.40 RCW, and shall be governed by the procedure therein(~~(, and may~~  
9 ~~regulate music, dancing and entertainment as authorized by RCW~~  
10 ~~66.28.080)~~): PROVIDED, That every code city shall enforce state laws  
11 relating to the investigation and prosecution of all violations of  
12 Title 66 RCW relating to control of alcoholic beverages and shall be  
13 entitled to retain the fines collected therefrom as therein provided.  
14 Every code city shall also share in the allocation and distribution  
15 of liquor profits and excise as provided in RCW 82.08.170, 66.08.190,  
16 and 66.08.210, and make reports of seizure as required by RCW  
17 66.32.090, and otherwise regulate by ordinances not in conflict with  
18 state law or liquor and cannabis board regulations.

19 NEW SECTION. **Sec. 33.** The following acts or parts of acts are  
20 each repealed:

21 (1) RCW 73.04.050 (Right to peddle, vend, sell goods without  
22 license—License fee on business established under act of congress  
23 prohibited) and 2012 c 117 s 504, 1945 c 144 s 9, & 1903 c 69 s 1;  
24 and

25 (2) RCW 73.04.060 (Right to peddle, vend, sell goods without  
26 license—Issuance of license) and 2012 c 117 s 505, 1945 c 144 s 10, &  
27 1903 c 69 s 2.

28 NEW SECTION. **Sec. 34.** RCW 85.05.130 (Assessment of benefited  
29 lands formerly omitted—Procedure—Appeals) and 2013 c 23 s 385, 1971  
30 c 81 s 157, 1913 c 89 s 1, 1901 c 111 s 1, & 1895 c 117 s 13 are each  
31 repealed.

32 **Sec. 35.** RCW 43.135.034 and 2020 c 218 s 4 are each amended to  
33 read as follows:

34 (~~(1)(a) Any action or combination of actions by the legislature~~  
35 ~~that raises taxes may be taken only if approved by a two-thirds vote~~

1 in both the house of representatives and the senate. Pursuant to the  
2 referendum power set forth in Article II, section 1(b) of the state  
3 Constitution, tax increases may be referred to the voters for their  
4 approval or rejection at an election.

5 ~~(b))~~ For the purposes of this chapter, "raises taxes" means any  
6 action or combination of actions by the state legislature that  
7 increases state tax revenue deposited in any fund, budget, or  
8 account, regardless of whether the revenues are deposited into the  
9 general fund.

10 ~~((2) The state or any political subdivision of the state may not  
11 impose any tax on intangible property listed in RCW 84.36.070 as that  
12 statute exists on January 1, 1993.))~~

13 **Sec. 36.** RCW 9A.72.160 and 1985 c 327 s 1 are each amended to  
14 read as follows:

15 (1) A person is guilty of intimidating a judge if a person  
16 directs a threat to a judge because of a ruling or decision of the  
17 judge in any official proceeding, or if by use of a threat directed  
18 to a judge, a person attempts to influence a ruling or decision of  
19 the judge in any official proceeding.

20 (2) "Threat" as used in this section means:

21 (a) To communicate, directly or indirectly, the intent  
22 immediately to use force against any person who is present at the  
23 time; or

24 (b) Threats as defined in RCW 9A.04.110 ~~((25))~~ (28).

25 (3) Intimidating a judge is a class B felony.

--- END ---