



Law Enforcement

July 2005

Digest

579th Basic Law Enforcement Academy – January 12, 2005 through May 19, 2005

- President: Robert DeNully, Jr. – Tacoma Police Department
Best Overall: Jacob Childers – Bellevue Police Department
Best Academic: Casey Hiam – Bellevue Police Department
Best Firearms: Richard Schram III – Walla Walla County Sheriff's Office
Tac Officer: Officer Brad Conway – Seattle Police Department

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2005 WASHINGTON LEGISLATIVE UPDATE – PART TWO OF TWO

LED EDITORS' INTRODUCTORY NOTE: This is Part Two of a two-part **LED** compilation of 2005 Washington State legislative enactments of interest to law enforcement. Part One appeared last month. This month's second and final part includes an index of legislation covered in Parts One and Two. Part One last month addressed most enactments of interest that had an "immediate" effective date. We erred, however, in including chapter 453 (SHB 1687) among those enactments; the enacted version of that bill did not in fact have an "immediate" effective date. We have included SHB 1687 again this month in Part Two to give the proper effective date. Note as to all legislation enacted in 2005 that, unless a different effective date is specified in the legislation, the enactments take effect on July 24, 2005, i.e., 90 days after the end of the regular session.

Thank you to Tom McBride and Pam Loginsky of the Washington Association of Prosecuting Attorneys for providing us with helpful information.

Consistent with our past practice, our Legislative Updates will for the most part not digest legislation in the subject areas of sentencing, consumer protection, retirement, collective bargaining, civil service, tax, budget, and worker benefits.

Text of each of the 2005 Washington enactments is available on the Internet at [<http://www.leg.wa.gov/wsladm/billinfo1/bills.cfm>]. We will include some RCW references in our entries, but where new sections or chapters are created by the

legislation, the State Code Reviser must assign the appropriate code numbers. Codification will likely not be completed until early fall of this year.

We remind our readers that any legal interpretations that we express in the LED are the views of the editors and do not necessarily reflect the views of the Attorney General's Office or of the Criminal Justice Training Commission.

REPEALING CRIME OF "SLANDER OF A WOMAN"

Chapter 13 (SB 5148)

Effective date: July 24, 2005

Repeals the crime of slander of a woman (RCW 9.58.110) and the provision relating to testimony necessary to convict for that crime (RCW 9.58.120).

REQUIRING SECURE ATTACHMENT OF SPEAKERS IN MOTOR VEHICLES

Chapter 50 (EHB 1246)

Effective date: July 24, 2005

In the "Courtney Amisson Act," a new section is added to Chapter 46.37 RCW creating an infraction in subsection (1) and reading as follows:

- (1) All vehicle sound system components, including any supplemental speaker systems or components, must be securely attached to the vehicle regardless of where the components are located, so that the components cannot become dislodged or loose during operation of the vehicle.
- (2) Enforcement of this section by law enforcement officers may be accomplished only as a secondary action when a driver of a vehicle has been detained for a suspected violation of this title or an equivalent local ordinance or some other offense.
- (3) The Washington state traffic safety commission shall create and implement a statewide educational program regarding the safety risks of unsecured vehicle sound system components, including supplemental speaker systems or components. The educational program shall include information regarding securely attaching sound system components to the vehicle, regardless of where the components are located, so that the components do not become dislodged or loose during the operation of the vehicle. The commission shall create and implement this program within the commission's existing budget.

PROHIBITING VEHICLE IMMOBILIZING BY PRIVATE PROPERTY OWNERS

Chapter 88 (ESSB 5966)

Effective date: July 24, 2005

Adds a new section to chapter 46.55 RCW making it a gross misdemeanor for a private property owner to immobilize a vehicle owned by a person other than the property owner. Defines "immobilize" in an amendment to RCW 46.55.010.

MODIFYING HIGHWAY WEIGHT LIMITS ON FARM IMPLEMENTS

Chapter 96 (SHB 1117)

Effective date: July 24, 2005

The House Bill Report summarizes the background and the effect of the bill as follows:

Background:

Current law exempts farm implements that weigh less than 45,000 pounds, are 70 feet long or less, and 14 feet wide or less from state highway weight and size limits. In order to travel on a state highway, the overweight or oversize farm

implement must be patrolled, flagged, lighted, and signed. Violation of this law is a traffic infraction.

Summary of Substitute Bill:

Directs the Washington State Department of Transportation (WSDOT) to work with the federal government, local transportation authorities, transportation agencies in other states, and legislative members and/or staff to conduct a study regarding overweight farming vehicles.

Until such a study and any subsequent law or rule changes are enacted:

Certain farm implements that weigh up to 105,500 pounds used to transport dairy nutrients in order to comply with the Dairy Nutrient Management Act may travel on city or county roads, under certain conditions. A city or county road authority may restrict the movement of such vehicles.

The Legislature requests that the United States Department of Transportation allow certain farm implements to travel on Washington highways under rules or policies established by the WSDOT.

GETTING “LEVEL II SEX OFFENDER” INFO TO PUBLIC LIBRARIES

Chapter 99 (HB 1161)

Effective date: July 24, 2005

Amends RCW 4.24.550(3) to add “public libraries” to the list of individuals and organizations who may be informed about risk level II sex offenders and kidnapping offenders.

PROVIDING QUALIFIED EMPLOYER IMMUNITY WHEN EMPLOYERS GIVE INFORMATION TO PROSPECTIVE EMPLOYERS REGARDING EMPLOYEES

Chapter 103 (HB 1625)

Effective date: July 24, 2005

Adds a new section to chapter 4.24 RCW reading as follows:

(1) An employer who discloses information about a former or current employee to a prospective employer, or employment agency as defined by RCW 49.60.040, at the specific request of that individual employer or employment agency, is presumed to be acting in good faith and is immune from civil and criminal liability for such disclosure or its consequences if the disclosed information relates to: (a) The employee's ability to perform his or her job; (b) the diligence, skill, or reliability with which the employee carried out the duties of his or her job; or (c) any illegal or wrongful act committed by the employee when related to the duties of his or her job.

(2) The employer should retain a written record of the identity of the person or entity to which information is disclosed under this section for a minimum of two years from the date of disclosure. The employee or former employee has a right to inspect any such written record upon request and any such written record shall become part of the employee's personnel file, subject to the provisions of chapter 49.12 RCW.

(3) For the purposes of this section, the presumption of good faith may only be rebutted upon a showing by clear and convincing evidence that the information disclosed by the employer was knowingly false, deliberately misleading, or made with reckless disregard for the truth.

GIVING THE MEDIA CIVIL LIABILITY IMMUNITY REGARDING “AMBER ALERTS”

Chapter 128 (SB 5453)

Effective date: July 24, 2005

Adds a new section to chapter 4.24 RCW to provide civil liability immunity for radio and TV broadcasting organizations participating in the Amber Alert Plan.

UPDATING LAWS REGARDING CHILD RESTRAINTS IN MOTOR VEHICLES

Chapter 132 (ESHB 1475)

Effective date: June 1, 2007

Amends RCW 46.61.687, effective June 1, 2007 to do the following (as summarized in the House Bill Report):

Changes the limit for when a child no longer has to be placed in a child restraint system from six years old and/or 60 pounds to eight years old or 80 pounds, unless the child is at least 4 feet 9 inches tall.

Deletes the specific requirements for what type of child restraint system a child needs to be in according to age and weight. Replaces with a requirement that a child must be in a restraint system used and installed according to the auto and child restraint manufacturers' directions.

Adds a requirement that a child under 13 must be in the back seat of a car when practical.

Adds a section to chapter 46.61 RCW that does the following (as summarized in the House Bill Report):

Provides that a person who provides inspection or education on proper child restraint use without compensation is not liable for civil damages, as long as the person is a currently certified child passenger safety technician and there is no gross negligence or willful misconduct.

AUTHORIZING AUTOMATED TRAFFIC SAFETY CAMERAS

Chapter 167 (ESSB 5060)

Effective date: July 24, 2005

Amends chapter 46.63 RCW to authorize local governments to adopt local ordinances allowing the use of "automated traffic safety cameras" subject to a number of conditions specified in the legislation.

REQUIRING THAT ACCIDENT REPORTS ADDRESS "DISTRACTIONS"

Chapter 171 (SSB 5161)

Effective date: January 1, 2006

Amends RCW 46.52.030 and RCW 46.52.060. The Final Bill Report summarizes this act as follows:

The Washington State Patrol must expand its traffic accident form, that is completed by an investigating officer, to include information disclosing whether any driver involved in an accident was distracted at the time of the accident. Additionally, the Washington State Patrol must include related statistical information in its yearly and monthly reports. Distraction categories to be collected and reported are to include at least the following:

- not distracted;
- operating a hand-held electronic telecommunication device;
- operating a hands-free wireless telecommunication device;
- other electronic devices (to include, but not limited to, PDA's, laptop computers, navigational devices, etc.);
- adjusting an audio or entertainment system;

- smoking;
- eating and/or drinking;
- reading and/or writing;
- grooming;
- interacting with children, passengers, animals, or objects in the vehicle;
- other inside distractions;
- outside distractions; and
- distraction unknown.

ADDRESSING MOTOR VEHICLE RECONSTRUCTION, OWNERSHIP OF PARTS

Chapter 173 (SB 5181)

Effective date: July 24, 2005

Amends RCW 46.12.030 to provide that invoices used to establish the legality of the used replaced components parts that are incorporated in a rebuilt “salvage vehicle” must be from a Washington licensed vehicle wrecker or a comparable business in a jurisdiction outside of Washington. Private individuals who sell used components or parts for a rebuilt salvage vehicles must have title to the vehicles from which the parts are taken.

REGULATING TRAFFIC SIGNAL PREEMPTION DEVICES

Chapter 183 (SHB 1113)

Effective date: July 24, 2005

Adds sections to chapter 46.04 RCW: 1) defining “signal preemption device;” 2) providing who may possess such devices; 3) making unauthorized possession a misdemeanor; 4) making unauthorized use, sale or purchase a gross misdemeanor; and 5) establishing three new felony crimes relating to negligent use of such a device where injury or death to person or to property occurs as a result.

HARMONIZING MOTOR VEHICLE SIZE LIMITS WITH FEDERAL RULES

Chapter 189 (HB 1180)

Effective date: July 24, 2005

Amends chapter 46.44 RCW. The House Bill Report summarizes the changes as follows:

The [Washington] Department of Transportation is authorized to adopt rules regulating the size and weight of vehicles considered to be specialized equipment by the FHA [Federal Highway Administration], in the case of interstate travel, or the Department of Transportation, in the case of intrastate travel.

The partial list of safety and energy conservation devices that are excluded from the vehicle width and length requirements is repealed. Instead, the Department of Transportation is required to adopt rules identifying certain devices attached to vehicles for safety, energy conservation, or other necessary purposes. These devices are excluded from calculations of the vehicles length or width, provided that these devices are not designed or used to carry cargo.

External rearview mirrors are no longer limited to extending no more than five inches beyond the width limit of the vehicle. The mirrors may extend beyond the width limits of the vehicle to a point that allows conformance with the Federal National Safety Standard and state law.

GRANTING MUNICIPAL COURTS ANTI-HARASSMENT JURISDICTION

Chapter 196 (HB 1296)

Effective date: July 24, 2005

Amends RCW 10.14.150 to grant municipal courts jurisdiction over actions for civil anti-harassment protection orders, and amends RCW 10.14.160 to specify jurisdiction and venue for such municipal court actions.

BROADENING IGNITION-INTERLOCK-TAMPERING PROHIBITIONS

Chapter 200 (HB 1872)

Effective date: July 24, 2005

Amends RCW 46.20.750 to make it a gross misdemeanor for a person who is required to use an ignition interlock device to tamper with the device or to request or direct another person to tamper with the device.

PRECLUDING PUBLIC AGENCY CHARGES TO LAW ENFORCEMENT AGENCIES FOR RECORDS REGARDING SEX OFFENDER REGISTRATION

Chapter 202 (SHB 2223)

Effective date: July 24, 2005

Amends RCW 36.18.016 by adding a subsection reading as follows:

(25) A public agency may not charge a fee to a law enforcement agency, for preparation, copying, or mailing of certified copies of the judgment and sentence, information, affidavit of probable cause, and/or the notice of requirement to register, of a sex offender convicted in a Washington court, when such records are necessary for risk assessment, preparation of a case for failure to register, or maintenance of a sex offender's registration file.

MAKING IT A MISDEMEANOR TO FAIL TO SUMMON ASSISTANCE FOR A PERSON INJURED IN A CRIME

Chapter 209 (SHB 1236)

Effective date: July 24, 2005

Adds a new section to chapter 9A.36 RCW, making it a misdemeanor to fail to summon assistance as follows:

A person is guilty of the crime of failing to summon assistance if:

- (1)(a) He or she was present when a crime was committed against another person; or (b) he or she was made aware that a crime was committed against another person by someone who was present when the crime was committed against the other person; and
- (2) He or she knows that the other person has suffered substantial bodily harm as a result of the crime committed against the other person and that the other person is in need of assistance; and
- (3) He or she could reasonably summon assistance for the person in need without danger to himself or herself and without interference with an important duty owed to a third party; and
- (4) He or she fails to summon assistance for the person in need; and
- (5) Another person is not summoning or has not summoned assistance for the person in need of such assistance.

PROHIBITING INTERFERENCE WITH SEARCH AND RESCUE DOGS

Chapter 212 (SB 5979)

Effective date: July 24, 2005

A new section is added to chapter 9.91 RCW, the miscellaneous crimes RCW chapter, establishing several new crimes relating to interference with or injury to or killing of an on-duty search and rescue dog. Restitution is also addressed in detail.

Also, RCW 9A.56.030 is amended, making theft of an on-duty search and rescue dog first degree theft.

ADDRESSING OPERATION OF OFF-ROAD VEHICLES ON ROADWAYS

Chapter 213 (SHB 1003)

Effective date: July 01, 2005

Amends RCW 46.09.010, 46.09.020, 46.37.010, 46.16.010 and adds new sections to chapter 46.09 RCW. The House Bill Report summarizes the act in part as follows:

An ORV may be operated on nonhighway roads when authorized by the responsible governing body including state, federal, local authorities, and private landowners. It is a traffic infraction to operate an ORV on a private nonhighway road without permission from the road owners. An ORV is exempt from vehicle licensing, equipment and lighting requirements when operating on nonhighway roads.

It is a traffic infraction for any person to operate an ORV on a nonhighway road without wearing a helmet. The requirement to wear a helmet does not apply to a person operating an ORV on their own land. In addition, the helmet requirement does not apply to an ORV operator operating on agricultural lands owned or leased by the ORV operator or the operator's employer. Persons under 13 years of age are restricted from operating an ORV on a nonhighway road unless they are under the direct supervision of a person 18 years of age or older with a valid drivers license.

INCLUDING SALTS, ISOMERS AND SALTS OF ISOMERS IN MORE VUCSA PROVISIONS

Chapter 218 (HB 1072)

Effective date: July 24, 2005

Amends RCW 69.50.401, 69.50.406, 69.50.440, and RCW 9A.42.100 to insert the phrase, "including its salts, isomers, and salts of isomers." This closes a possible loophole in the laws (note that different divisions of the Washington Court of Appeals have ruled differently in interpreting the existing "salts" and "isomers" and "salts of isomers" language that is amended by this 2005 Act).

REVISING VOTER REGISTRATION LAWS

Chapter 246 (ESSB 5743)

Effective date: January 01, 2006

Among many changes in voter registration laws in an amendment to RCW 29A.84.140 changing the classification for the crime of knowing unqualified voter registration from a misdemeanor to a class C felony.

EXPANDING CRIME OF SEXUAL MISCONDUCT WITH A MINOR

Chapter 262 (SSB 5309)

Effective date: July 24, 2005

Amends RCW 9A.44.010(9)'s definition of "abuse of a supervisory position" to read as follows:

- (a) To use a direct or indirect threat or promise to (~~use~~) exercise authority to the detriment or benefit of a minor; or
- (b) To exploit a significant relationship in order to obtain the consent of a minor.

Also amends RCW 9A.44.093 (sexual misconduct with a minor in the first degree) and 9A.44.096 (sexual misconduct with a minor in the second degree) to add the following third way that each of the respective crimes can be committed:

- (c) the person is a foster parent who has, or knowingly causes another person under the age of eighteen to have, sexual intercourse with his or her foster child who is at least sixteen.

CHARGING INCARCERATION COSTS TO OFFENDERS IN PRISONS AND IN JAILS

Chapter 263 (SB 5461)

Effective date: July 24, 2005

Amends RCW 9.94A.760(2) so that its first sentence now reads as follows:

(2) If the court determines that the offender, at the time of sentencing, has the means to pay for the cost of incarceration, the court may require the offender to pay for the cost of incarceration at a rate of fifty dollars per day of incarceration, if incarcerated in a prison, or the court may require the offender to pay the actual cost of incarceration per day of incarceration, if incarcerated in a county jail. In no case may the court require the offender to pay more than one hundred dollars per day for the cost of incarceration.

ALLOWING SMALL APPURTENANCES ON RECREATIONAL VEHICLES

Chapter 264 (SSB 5463)

Effective date: July 24, 2005

Amends chapter 46.44 RCW by adding a section providing in part as follows:

Motor homes, travel trailers, and campers may exceed the maximum width established under RCW 46.44.010 if the excess width is attributable to appurtenances that do not extend beyond the body of the vehicle by more than four inches.

RECODIFYING AND TECHNICALLY REVISING PUBLIC DISCLOSURE ACT

Chapter 274 (SHB 1133)

Effective date: July 01, 2006

Reorganizes the public disclosure laws into a new RCW chapter; also makes some technical changes in the existing laws on public disclosure.

EXEMPTING SOME PERSONAL INFORMATION IN PUBLIC PERSONNEL FILES FROM PUBLIC DISCLOSURE

Chapter 284 (SHB 1694)

Effective date: July 24, 2005

Excepts from public records disclosure requirement certain personal information pertaining to public employees, volunteers, and their dependants.

CHANGING DOL PROCEDURES FOR SUSPENDING, REVOKING DRIVING PRIVILEGES

Chapter 288 (SHB 1854)

Effective date: July 1, 2005

This enactment responds to the Washington Supreme Court's decision in Redmond v. Moore, 151 Wn.2d 664 (2004) **July 04 LED:05; Aug 04 LED:23; Oct 04 LED:22**. the Act establishes revised DOL procedures for suspending and revoking driving privileges. It also requires courts to enter into payment plans with persons who are unable to immediately pay their civil fines for traffic violations.

CLARIFYING THE TRIGGER DATE REGARDING AUTOMATIC TRANSFER OF A JUVENILE TO ADULT COURT -- DATE OF OFFENSE CONTROLS, NOT THE DATE OF CHARGING

Chapter 290 (HB 2064)

Effective date: July 24, 2005

Amends RCW 13.04.030 to clarify that the date of the offense by a juvenile (not the date that prosecutor files charges) determines whether a case may be automatically transferred to adult court. This legislation reverses the effect of State v. Salavea, 151 Wn.2d 133 (2004) **Nov 04 LED:07**.

REVISING LAWS RE EMISSION STANDARDS, ODOMETERS

Chapter 295 (ESHB 1397)

Effective date: May 6, 2005

Overhauls Washington laws relating to vehicle emission standards. Includes an amendment to RCW 46.37.540 to make it a gross misdemeanor to manipulate an odometer either backward or forward. In bill-draft form, the changes are as follows:

(1) The legislature intends to make it illegal for persons to turn forward the odometer on a new car to avoid compliance with the emissions standards required by this act.

(2) It shall be unlawful for any person to disconnect, turn back, turn forward, or reset the odometer of any motor vehicle with the intent to ((reduce)) change the number of miles indicated on the odometer gauge. A violation of this subsection is a gross misdemeanor.

RESTRICTING USE OF COMPRESSION BRAKES

Chapter 320 (HB 1002)

Effective date: July 24, 2005

Adds a new section to chapter 46.37 RCW and amends RCW 46.63.110. The House Bill Report summarizes the Act as follows:

A motor vehicle with a declared gross weight greater than 10,000 pounds operating on public roads is subject to new requirements if the vehicle is equipped with compression brakes. These brakes are defined as any device that uses the engine and transmission to impede the forward motion of the motor vehicle by compression of the engine.

The driver of a vehicle equipped with compression brakes may not use the device unless the vehicle also contains an operational muffler and exhaust system. This system must maintain the noise level at 83 decibels or less for vehicles manufactured after January 1, 1979, and 80 decibels for vehicles manufactured after January 1, 1988.

If a vehicle does not contain a muffler and exhaust system that meets these standards, the driver may still use compression brakes if the driver reasonably believes that an emergency exists that requires the use of the device to:

- 1) protect against an immediate threat to the physical safety of the driver or others;
- 2) protect against an immediate threat to property; or
- 3) reduce the speed of the vehicle on a downhill grade.

A person violating this requirement is subject to a \$250 monetary penalty for the first violation, a \$500 monetary penalty for the second violation, and a \$750 monetary penalty for each subsequent violation. Local jurisdictions are allowed to adopt more restrictive ordinances regarding the use of compression brakes.

The Washington State Patrol must adopt rules for law enforcement agencies to enforce these requirements.

RESTRICTING THROUGH CIVIL REMEDIES WIRELESS PHONE COMPANY DISCLOSURE OF SUBSCRIBERS' PERSONAL PHONE NUMBERS

Chapter 322 (SHB 1185)

Effective date: July 24, 2005

The House Bill Report describes as follows the civilly enforceable restriction on wireless phone companies:

Wireless telephone companies must obtain express opt-in consent from a subscriber before publishing their wireless phone number in a directory. Consent may be obtained in writing or electronically, and a receipt must be provided to the subscriber. In obtaining consent, the provider must disclose to the subscriber that he or she bears the responsibility for paying for any additional cost incurred as the result of receiving unsolicited calls.

A subscriber may revoke his or her consent at any time. If the subscriber revokes his or her consent, the telephone company must comply with the subscriber's request within a reasonable period of time, not to exceed 60 days. In addition, the subscriber may not be charged for choosing not to be listed in the directory.

Non-consensual disclosure of a subscriber's wireless phone number is permissible under certain, limited circumstances:

- to law enforcement, fire protection, public health, or city or county emergency service planning agencies for purposes of responding to a 911 call or communicating imminent threat to life or property;
- to a sales agent for the limited purpose of billing and customer service;
- through a lawful process under state or federal law;
- to a telephone company to facilitate service between service areas;
- to a telephone company for billing purposes;
- to a telephone company to transfer a telephone number from one provider to a new provider; and
- to the Washington Utilities and Transportation Commission (WUTC) pursuant to its jurisdiction and control over telephone companies.

The Attorney General may bring an action to enforce compliance. The court shall award damages of up to \$50,000 for each individual violation.

ADDRESSING MOTOR VEHICLE REGISTRATION SCOFFLAWS

Chapter 323 (EHB 1241)

Effective date: Various, starting August 01, 2005

The House Bill Report summarizes this act as follows:

Failure to register a vehicle in Washington before operating on the highways is changed from a misdemeanor to a traffic infraction of \$529.

A motor vehicle subject to initial or renewal registration shall not be registered to a natural person unless the person has an unexpired Washington State driver's license. They are exempt from this requirement if they certify that they do not operate a motor vehicle on the public roads or they are already exempt under current law. For shared or joint ownership, the Department of Licensing (DOL) will establish procedures to verify that all owners meet these requirements. The DOL may adopt rules necessary to implement these provisions, where a person may be exempt if they show evidence satisfactory to the DOL that they have a valid and compelling reason for not being able to meet these requirements.

A person falsifying residence is guilty of a gross misdemeanor punishable by only a fine of \$529.

This applies to registrations due or become due on or after January 1, 2006.

Section 4 of this Act declares that the Act takes effect August 1, 2005, but section 5 declares that the Act "applies to all registrations due or to become due on or after January 1, 2006."

ADDRESSING POSITIVE DRUG AND ALCOHOL TESTS OF COMMERCIAL DRIVERS

Chapter 325 (SHB 1266)

Effective date: July 24, 2005

Amends provisions in chapter 46.25 RCW relating to the DOL administered scheme involving drug and alcohol testing of operators of commercial motor vehicles by employers or motor carriers.

Among other things, this legislation makes definitions and terminology in Washington statutes consistent with federal statutes.

CLARIFYING LIABILITY FOR TRAFFIC INFRACTIONS THAT ARE COMMITTED AFTER MOTOR VEHICLE TITLE IS TRANSFERRED

Chapter 331 (HB 1999)

Effective date: July 24, 2005

Amends RCW 46.12.102 by adding a subsection reading as follows:

(2) An owner who has made a bona fide sale or transfer of a vehicle, has delivered possession of it to a purchaser, and has fulfilled the requirements of subsection (1)(a) and (b) of this section is relieved of liability and liability is transferred to the purchaser of the vehicle, for any traffic violation under this title, whether designated as a traffic infraction or classified as a criminal offense, that occurs after the date of the sale or transfer that is based on the vehicle's identification, including, but not limited to, parking infractions, high-occupancy toll lane violations, and violations recorded by automated traffic safety cameras.

Adds a new section to chapter 46.63 RCW reading as follows:

(1) In the event a traffic infraction is based on a vehicle's identification, and the registered owner of the vehicle is a rental car business, the law enforcement agency shall, before a notice of infraction may be issued, provide a written notice to the rental car business that a notice of infraction may be issued to the rental car business if the rental car business does not, within thirty days of receiving the written notice, provide to the issuing agency by return mail:

(a) A statement under oath stating the name and known mailing address of the individual driving or renting the vehicle when the infraction occurred; or

(b) A statement under oath that the business is unable to determine who was driving or renting the vehicle at the time the infraction occurred.

Timely mailing of this statement to the issuing law enforcement agency relieves a rental car business of any liability under this chapter for the notice of infraction. In lieu of identifying the vehicle operator, the rental car business may pay the applicable penalty.

(2) For the purpose of this section, a "traffic infraction based on a vehicle's identification" includes, but is not limited to, parking infractions, high-occupancy toll lane violations, and violations recorded by automated traffic safety cameras.

RESTRICTING DOL DISCLOSURE OF MV OWNER RESIDENTIAL ADDRESSES TO PUBLIC

Chapter 340 (SB 5321)

Effective date: July 24, 2005

Amends RCW 46.12.370 to provide that when both a residential and a mailing address are on file with the DOL, only the mailing address may be disclosed unless the request for information is from: a court; a law enforcement agency; or a government entity with enforcement, investigative, or taxing authority.

MAKING INMATE WEAPON POSSESSION LAW SAME FOR JAIL, PRISON

Chapter 361 (SSB 5242)

Effective date July 24, 2005

Amends RCW 9.94.040 to make the weapons possession prohibition for inmates the same for those incarcerated in state correctional institutions and those incarcerated in local jails. Inmates

commit a class C felony if they possess any weapons, firearm or any instrument that, if used, could produce serious bodily injury.

OVERHAUL OF LAWS REGARDING FUNERALS, CEMETERIES, VITAL RECORDS

Chapter 365 (SSB 5752)

Effective date: July 24, 2005

Many technical, clarifying and substantive changes are made to many sections in chapters 18.39 RCW and in Title 68 RCW concerning funerals, cemeteries and vital records. Some of the sections amended are criminal provisions.

REQUIRING POLICE REPORTS BE GIVEN TO IDENTITY THEFT VICTIMS

Chapter 366 (SSB 5939)

Effective date: July 24, 2005

Amends RCW 19.182.160 by adding the following provisions:

(4) In order to facilitate the exercise of a consumer's right to block information in his or her consumer report, all police and sheriff's departments in Washington state shall provide police reports or original incident reports at the request of any consumer claiming to be a victim of a violation of RCW 9.35.020.

Nothing in this section shall be construed to require a law enforcement agency to investigate incident reports claiming identity theft.

ADDRESSING SECURITY BREACHES THAT COMPROMISE PERSONAL INFORMATION

Chapter 368 (SSB 6043)

Effective date: July 24, 2005

The Final Bill Report describes this enactment as follows:

Any agency, person, or business that owns and licenses computerized data that includes personal information, is required to inform Washington consumers of any breach of their data security, following discovery or notification of the breach. The notification must be made without unreasonable delay, consistent with the needs of law enforcement. Notification may not impede a criminal investigation.

"Personal information" covered by the duty to notify includes: social security numbers, driver's license, or ID card numbers; and credit and debit card numbers in combination with access codes. Personal information does not include publically-available information from federal, state, and local government records.

Notice of the security breach may be provided by written or electronic notice, or by a "substitute notice" by e-mail, conspicuous website posting, or major statewide media.

As a matter of public policy, consumers cannot waive their right to notice.

Remedies include a civil action to recover damages, or injunctive relief against a business that violates the notice requirements.

PROVIDING CIVIL REMEDIES FOR ELECTRONIC MAIL FRAUD ("ANTI-PHISHING" ACT)

Chapter 378 (ESSHB 1888)

Effective date: July 24, 2005

The final House Bill Report for this Act amending chapter 19.190 RCW, summarizes the legislation as follows:

This law prohibits a person from ["phishing," i.e.] soliciting, requesting, or taking any action to induce another person to provide personally identifying information by means of a web page, electronic mail message, or otherwise using the

internet by representing oneself, either directly or by implication, to be a business or individual without the authority or approval of such business or individual.

"Personally identifiable information" is defined as any of the following types of information:

- Social Security Number;
- driver's license number;
- bank account number;
- credit or debit card number;
- Personal Identification Number;
- automated or electronic signature;
- unique biometric data;
- account passwords; or
- any other piece of information that can be used to access an individual's financial accounts or to obtain goods or services.

A consumer can seek damages of up to \$500 per violation, or actual damages, whichever is greater.

An internet service provider, an owner of a web page, or a trademark owner can seek to enjoin further violations, and may recover \$5,000 per violation, or actual damages, whichever is greater. In addition, the court may increase the damage award up to three times (up to \$15,000) if the defendant has engaged in a pattern and practice of engaging in the prohibited activities. The court may also award costs and reasonable attorneys' fees to the prevailing party.

A violation of these provisions is defined as an unfair or deceptive act for purposes of applying the Consumer Protection Act.

ADDRESSING REGISTRATION OF STUDENT SEX OFFENDERS

Chapter 380 (HB 2101)

Effective date: 9/01/06

Amends chapter 4.24 RCW and RCW 9A.44.130 relating to registration of sex offenders who are students. The House Bill Report summarizes the legislation as follows:

A person who is required to register as a sex offender must provide the name and address of the public or private school he or she is attending or planning to attend, including a state school for the blind, deaf or sensory handicapped, to the county sheriff when he or she is registering. The sheriff is then required to promptly notify the school of the person's intent to attend the school.

The school principal who receives notice of a student who is registered as a level II or III sex offender who is attending, or planning to attend, the school is required to further disclose the information to all teachers of the student, and those who the principal determines supervise the student or need to know for security purposes. If the student is a level I sex offender the principal may only disclose the information to personnel who need to know for security purposes.

Any information received by the principal or school personnel is confidential and may not be further disseminated except as provided by law.

A liability limitation is created for law enforcement which states that there is no additional liability imposed upon a peace officer, including the county sheriff, or law enforcement agency, for failing to release information required under the sex offender registration statute.

RESTRICTING ACCESS TO CERTAIN METHAMPHETAMINE PRECURSOR DRUGS

Chapter 388 (ESHB 2266)

Effective date: Various dates

The House Bill Report describes as follows this enactment amending chapters 69.43 and 18.69 RCW:

Products that contain any detectable quantity of ephedrine, pseudoephedrine, or phenylpropanolamine may only be sold to customers who are at least eighteen years old, upon presentation of photographic identification. Merchants must keep the products in a central location that is inaccessible to customers without assistance. The Board of Pharmacy (Board) may exempt products that contain ephedrine, pseudoephedrine, or phenylpropanolamine in combination with another active ingredient if it determines that the product has been manufactured in such a way that it cannot be used to illegally manufacture methamphetamine.

A statewide pilot project shall be conducted to require that merchants record transactions involving products that contain any detectable quantity of ephedrine, pseudoephedrine, or phenylpropanolamine through written or electronic logs or other means. The Board must develop a work group to evaluate the data received by the pilot project to determine the effectiveness of logs in preventing the illegal manufacture of methamphetamine. The work group shall consist of representatives of law enforcement, the Washington State Patrol, the prosecuting attorneys, the Attorney General's Office, the Board, and the retail industry. The work group shall present its findings and recommendations to the Legislature by November 1, 2007.

Products that contain ephedrine, pseudoephedrine, or phenylpropanolamine in combination with another active ingredient in a liquid, liquid capsule, or gel capsule form are exempt from the age, identification, accessibility, and log requirements unless the Board determines that they should be regulated pursuant to a petition from the Washington State Patrol or Washington Association of Sheriffs and Police Chiefs. The petition must establish that the product can be effectively converted into methamphetamine and that law enforcement or the Department of Ecology find that there is substantial evidence of its use for the illegal manufacture of methamphetamine. *[Note: The provisions described in this paragraph are in section 2, creating a gross misdemeanor, and taking effect October 1, 2005.]*

The Board of Pharmacy, law enforcement authorities, and the courts may access the logs for regulatory activities. It is a gross misdemeanor to violate the identification or access requirements. It is a defense to a violation of these requirements that the entity or its employees made a good faith attempt to comply by requesting that the customer provide identification and a reasonable effort to determine the customer's age. An employer may not retaliate against an employee who made a good faith attempt to comply by requesting that the customer provide identification and a reasonable effort to determine the customer's age.

The limitations on the number of packages of products containing ephedrine, pseudoephedrine, or phenylpropanolamine that may be sold in a single transaction or that may be purchased in a 24 hour period are reduced from three to two. *[Note: This maximum purchase reduction takes effect January 1, 2006.]*

REVISING SIGN RULES REGARDING PERSONS-WITH-DISABILITIES PARKING

Chapter 390 (SHB 1711)

Effective date July 24, 2005

Amends various provisions in Title 46 RCW relating to signage for persons-with-disabilities parking spaces. Among other things, the changes eliminate the need for certain language on the sign (relying entirely on the international symbol of access) and eliminate the specified height range for the signs. Also revise law to consistently use the more respectful term “persons with a disability” instead of the term “disabled person.”

TIGHTENING RULES FOR VEHICLES PASSING PEDESTRIANS, BICYCLISTS

Chapter 396 (HB (1108)

Effective date: July 24, 2005

Amends RCW 46.61.110, 46.61.120, and 46.61.125, and adds a new section to chapter 46.61 RCW. The House Bill Report summarizes this enactment as follows:

The driver of a vehicle passing other traffic on the roadway or a pedestrian or bicyclist on the roadway or on the shoulder of the roadway, must pass at a safe distance to the left. The driver must also be safely clear of the overtaken pedestrian or bicyclist before returning to their original position on the roadway.

The driver of a vehicle may also not drive on the left side of the roadway, from the perspective of the driver, when a bicycle or pedestrian is within view of the driver and is approaching from the opposite direction or when doing so would put the vehicle within a hazardous distance of a bicyclist or pedestrian.

Clarifies that nothing in the language of the statutes governing passing by vehicles relieves pedestrians or bicyclists of their legal duties while traveling on public highways.

AUTHORIZING SIGNS, BANNERS, DECORATIONS OVER HIGHWAYS

Chapter 398 (HB 1124)

Effective date: July 24, 2005

The House Bill Report summarizes this enactment as follows:

The WSDOT is permitted to include a standard in the uniform system they adopt allowing signs, banners, or decorations to be placed over a highway when they:

- are in an unincorporated area;
- are placed at least 20 vertical feet above the highway; and
- do not interfere with or obstruct the view of any traffic control device.

The WSDOT is directed to adopt rules regulating the placement of allowable signs, banners, and decorations.

An exemption is provided in the Scenic Vistas Act permitting signs, banners, or displays sponsored by local agencies. The signs, banners, or displays may not contain advertising.

INCREASING FISH AND WILDLIFE PENALTIES

Chapter 406 (ESHB 1696)

Effective date: July 24, 2005

Amends RCW 77.15.370 to expand the crime of unlawful fishing in the first degree to include fishing for purposes of possessing a species of fish that is listed as endangered or threatened.

Also amends the “spotlighting” crime at RCW 77.15.450 by providing a definition of “night vision equipment” and increasing license suspension for first degree spotlighting from two years to ten years.

Also increases money penalties for various specified types of unlawful hunting of big game; increases the dollar amount of security WDFW may require for persons to reclaim property seized by WDFW; and creates a new non-appropriated account in the State treasury to be expended for certain specified purposes.

EXPANDING LAW ON FAILURE TO YIELD TO EMERGENCY VEHICLES

Chapter 413 (SSB 5038)

Effective date: July 24, 2005

Adds a new section to chapter 46.61 RCW reading as follows:

The driver of any motor vehicle, upon approaching a stationary authorized emergency vehicle that is making use of audible and/or visual signals meeting the requirements of RCW 46.37.190 or of a police vehicle properly and lawfully displaying a flashing, blinking or alternating emergency light or lights, shall:

- 1) On a highway having at least four lanes, at least two of which are intended for traffic proceeding in the same direction as the approaching vehicle, proceed with caution and, if reasonable, with due regard for safety and traffic conditions, yield the right of way by making a lane change or moving away from the lane or shoulder occupied by the stationary authorized emergency vehicle or police vehicle; or
- 2) If changing lanes or moving away would be unreasonable or unsafe, proceed with due caution and reduce the speed of the vehicle.

The Act also increases the penalty under the existing failure-to-yield provisions of RCW 46.61.210(1) to \$500.

CHILD ABUSE REPORTING -- NEW MANDATORY REPORTER

Chapter 417 (ESSB 5308)

Effective date: July 24, 2005

Amends RCW 26.44.030 to require a report of child abuse to law enforcement of a person in a non-profit or for profit organization in an "official supervising capacity" who "regularly exercises supervisory authority" over a child.

INCREASED PENALTY FOR THEFT OF GOATS

Chapter 419 (SSB 5290)

Effective date: July 24, 2005

Amends RCW 9A.56.080 to add goats to the animals protected by the class B felony of "theft of livestock in the first degree."

INCREASING PENALTIES FOR FAILING TO SECURE MOTOR VEHICLE LOAD

Chapter 431 (SBH 1478)

Effective date: July 24, 2005

Amends RCW 46.61.655 by adding a subsection (7) reading as follows:

- (7)(a)(i) A person is guilty of failure to secure a load in the first degree if he or she negligently fails to secure a load or part of a load to his or her vehicle in compliance with subsection (1), (2), or (3) of this section and causes bodily injury to another.
- (ii) Failure to secure a load in the first degree is a gross misdemeanor.

(b)(i) A person is guilty of failure to secure a load in the second degree if he or she negligently fails to secure a load or part of a load to his or her vehicle in compliance with subsection (1) or (2) of this section and causes damage to property of another.

(ii) Failure to secure a load in the second degree is a misdemeanor.

(c) A person who fails to secure a load or part of a load to his or her vehicle in compliance with subsection (1), (2), or (3) of this section is guilty of an infraction if such failure does not amount to a violation of (a) or (b) of this subsection.

REQUIRING PRE-HIRE SCREENING FOR LAW OFFICER JOBS

Chapter 434 (HB 1081)

Effective date: July 24, 2005

Amends RCW 43.101.080, 46.101.095, 43.101.105, and 43.43.020. The House Bill Report summarizes the act as follows:

All new full-time, part-time, and returning reserve officers must pass a psychological and polygraph test (or any similar procedure) as a condition of continued employment as a peace officer.

Each county, city, or state hiring law enforcement agency must require that every law enforcement officer applicant that has been offered a conditional offer of employment and every returning reserve officer that has been out of work for more than two years, to take and successfully pass a psychological and polygraph examination. The psychological examination must be administered by a Washington licensed psychiatrist or psychologist. Although, additional tests may be administered at the option of the employing law enforcement agency, at a minimum, the psychological exam must consist of a standardized clinical test that: 1) complies with accepted psychological standards; and 2) is widely used as an objective clinical screening tool for personality and psychosocial disorders. The polygraph examination or similar assessment must be administered by an experienced polygrapher who is a graduate of a polygraph school accredited by the American Polygraph Association.

The hiring law enforcement agency is authorized to require those applicants taking the psychological and polygraph tests to pay a portion of the testing fee based on the actual cost of the test or \$400, whichever is less. In addition, the hiring entity may establish a payment plan for those instances where a peace officer may not readily have the means to pay for his or her portion of the testing fee.

The CJTC [Criminal Justice Training Commission] must deny peace officer certification to any officer that has lost his or her certification as a result of a break in law enforcement work of more than two years and has failed to pass the psychological and polygraph tests.

CREATING COMMUNITY PROTECTION ZONES REGARDING SEX OFFENDERS

Chapter 436 (SHB 1147)

Effective date: July 24, 2005

In part, the House Bill Report describes this enactment as follows:

Community Protection Zone. Community protection zones are established around public and private schools. The zones have a radius of 880 feet around the schools.

The court must prohibit an offender who is convicted of a first “two strikes” sex offense against a minor victim from residing in a community protection zone while on community custody. In addition, the DOC may not approve a residence location for such offenders if the proposed residence is in a community protection zone.

Law enforcement agencies and the DOC are immune from civil liability for damages from any discretionary decisions made if they make a good faith effort to comply with the act.

Joint Task Force on Sex Offender Management. A Joint Task Force on Sex Offender Management is established. The task force, in collaboration with the Partnership for Community Safety, must examine issues of community safety and the management of sex offenders in the community.

The entire act expires on July 1, 2006.

ELIMINATING MANDATORY MINIMUMS FOR JUVENILES TRIED IN ADULT COURT

Chapter 437 (SHB 1187)

Effective date: July 24, 2005

The House Bill Report summarizes this sentencing law change for juveniles as follows:

The adult mandatory minimum sentences will not apply when a juvenile is sent to adult court after a decline hearing has been held in juvenile court and the court determines the adult court is the appropriate court. Judges are permitted to sentence a juvenile who has been discretionarily declined to any sentence within the standard range for the offense, or to impose an exceptional sentence downward. The juvenile would also be eligible for the same opportunity for earned early release as any person sentenced for a standard range sentence.

The mandatory minimum sentences will continue to apply to cases that are automatically transferred to adult court.

The sentencing change applies only to offenses committed on or after the effective date of the act.

ADDRESSING FIREARMS POSSESSION BY PERSONS PREVIOUSLY FOUND NOT GUILTY BY REASON OF INSANITY OR PREVIOUSLY INVOLUNTARILY COMMITTED

Chapter 453 (SHB 1687)

Effective date: July 24, 2005

Amends RCW 9.41.040 and RCW 9.41.047 to address firearms possession by those found not guilty by reason of insanity. The House Bill Report summarizes these changes as follows:

A verdict of not guilty by reason of insanity is to be considered the same as a verdict of guilty for purposes of a person’s right to possess a firearm. For restoration of the right to possess a firearm, such a person must meet the eligibility requirements that would have applied had he or she been convicted of the crime.

An additional requirement is placed on a person who has been involuntarily committed for mental health treatment and is applying for restoration of his or her right to possess a firearm. If the record shows a preponderance of the evidence that the person has been violent and is likely to be violent again, the person must

show by clear, cogent, and convincing evidence that he or she does not present a substantial danger to the safety of others.

ALLOWING NON-VICTIM CHILD WITNESSES TO TESTIFY VIA CLOSED-CIRCUIT TELEVISION

Chapter 455 (SHB 1837)

Effective date: July 01, 2005

RCW 9A.44.450's provisions authorizing testimony by a child victim to be given via closed-circuit television outside of the presence of the defendant is expanded to include testimony by a child witness who is not the victim of the crime in certain specified circumstances.

INCREASING PENALTY FOR STUN GUN ASSAULT ON PEACE OFFICER

Chapter 458 (SHB 1934)

Effective date: July 24, 2005

Amends RCW 9A.36.031 to make assault of a peace officer with a projectile stun gun an alternative way of committing assault in the third degree, and then amends RCW 9.94A.515's sentencing provisions to give this type of assault in the third degree a seriousness level equivalent to assault in the second degree.

REVISING ANIMAL CRUELTY LAWS

Chapter 481 (SHB 1304)

Effective date: July 24, 2005

Amends RCW 16.52.205 by adding the following additional variation of animal cruelty in the first degree:

- (2) A person is guilty of animal cruelty in the first degree when, except as authorized by law, he or she, with criminal negligence, starves, dehydrates, or suffocates an animal and as a result causes:
 - (a) Substantial and unjustifiable physical pain that extends for a period sufficient to cause considerable suffering; or
 - (b) death.

Also amends the provisions of RCW 16.52.117 to expand the prohibitions of the crime of animal fighting, and to raise the classification from gross misdemeanor to class C felony. The latter amendment defines "animal" as a "dog" or a "male chicken."

REVISING PUBLIC DISCLOSURE ACT REGARDING BROAD REQUESTS, OTHER THINGS (INCLUDING DIRECTING WASHINGTON ATTORNEY GENERAL TO ADOPT MODEL RULE)

Chapter 483 (2SHB 1758)

Effective date July 24, 2005

The House Bill Report for this enactment provides the following bullet points as a brief summary of the enactment:

- Prohibits agencies from denying public records requests because they are overlybroad; allows agencies to respond to requests on a partial or installment basis.
- Requires the Attorney General to adopt a model rule on public records disclosure
- Allows an agency to ask for a deposit or charge per installment for public records requests.
- Allows an agency to cease fulfilling a request if an installment is not picked up.

- Changes the venue for certain public records-related suits against counties.
- Imposes a one year statute of limitations for certain public records-related suits.

AUTHORIZING CIVIL REMEDIES RELATING TO UNLAWFUL INSTALLING OF COMPUTER SPYWARE

Chapter 500 (ESHB 1012)

Effective date: July 24, 2005

Adds a new chapter to Title 19 RCW establishing civil remedies to regulate installation of computer spyware. The House Bill Report summarizes the act as follows:

The unauthorized installation of software programs, collectively known as "spyware," is prohibited. This prohibition would prevent a wide range of malicious online action, including the collection of personal information through various means.

Specifically, a number of different types of spyware activities are prohibited. These include:

- collecting personally identifiable information through keystroke logging;
- collecting web browsing histories;
- taking control of a user's computer to send unauthorized emails or viruses;
- creating bogus financial charges;
- orchestrating group attacks on other computers;
- opening aggressive pop-up advertisements;
- modifying security settings; and
- generally interfering with a user's ability to identify or remove the spyware.

These prohibitions do not apply to any monitoring of a subscriber's internet service by a telecommunications carrier, cable operator, computer hardware or software provider, or provider of information service for network or computer security purposes.

The Attorney General, a provider of computer software, or an owner of a web site or trademark may bring a civil action to enjoin further violations and recover either actual damages, or \$100,000 per violation, whichever is greater. The maximum allowable damage award is \$2 million. In addition, a court may increase the damage award up to three times if the defendant has engaged in a pattern and practice of engaging in the prohibited activities. The court may also award costs and reasonable attorneys' fees to the prevailing party.

This Act does not expand, contract, alter or amend any cause of action allowed under the Consumer Protection Act and does not affect in any way the application of the Consumer Protection Act to any future case or fact pattern.

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INTERNET ACCESS TO COURT RULES & DECISIONS, TO RCW'S, AND TO WAC RULES

The Washington Office of the Administrator for the Courts maintains a web site with appellate court information, including recent court opinions by the Court of Appeals and State Supreme Court. The address is [<http://www.courts.wa.gov/>]. Decisions issued in the preceding 90 days may be accessed by entering search terms, and decisions issued in the preceding 14 days may be more simply accessed through a separate link clearly designated. A website at [<http://legalwa.org/>] includes all Washington Court of Appeals opinions, as well as Washington State Supreme Court opinions from 1939 to the present. The site also includes links to the full text of the RCW, WAC, and many Washington city and county municipal codes (the site is accessible directly at the address above or via a link on the Washington Courts' website). Washington Rules of Court (including rules for appellate courts, superior courts, and courts of limited jurisdiction) are accessible via links on the Courts' website or by going directly to [<http://www.courts.wa.gov/rules>].

Many United States Supreme Court opinions can be accessed at [<http://supct.law.cornell.edu/supct>]. This web site contains all U.S. Supreme Court opinions

issued since 1990 and many significant opinions of the Court issued before 1990. Another website for U.S. Supreme Court opinions is the Court's website at [<http://www.supremecourtus.gov/opinions/02slipopinion.html>]. Decisions of the Ninth Circuit of the U.S. Court of Appeals since January 2000 can be accessed (by date of decision only) by going to the Ninth Circuit home page at [<http://www.ca9.uscourts.gov/>] and clicking on "Opinions." Federal statutes can be accessed at [<http://www4law.cornell.edu/uscode>]

Access to relatively current Washington state agency administrative rules (including DOL rules in Title 308 WAC, WSP equipment rules at Title 204 WAC, and State Toxicologist rules at WAC 448-15), as well as all RCW's current through January 2004, is at [<http://slc.leg.wa.gov/>]. Information about bills filed in 2003 Washington Legislature is at the same address -- look under "Washington State Legislature," "bill info," "house bill information/senate bill information," and use bill numbers to access information. Access to the "Washington State Register" for the most recent WAC amendments is at [<http://slc.leg.wa.gov/wsr/register.htm>]. In addition, a wide range of state government information can be accessed at [<http://access.wa.gov>]. The address for the Criminal Justice Training Commission's home page is [<http://www.cjtc.state.wa.us>], while the address for the Attorney General's Office home page is [<http://www.wa/ago>].

The Law Enforcement Digest is co-edited by Senior Counsel John Wasberg and Assistant Attorney General Shannon Inglis, both of the Washington Attorney General's Office. Questions and comments regarding the content of the **LED** should be directed to Mr. Wasberg at (206) 464-6039; Fax (206) 587-4290; E Mail [johnw1@atg.wa.gov]. Questions regarding the distribution list or delivery of the **LED** should be directed to [ledemail@cjtc.state.wa.us]. **LED** editorial commentary and analysis of statutes and court decisions express the thinking of the writers and do not necessarily reflect the views of the Office of the Attorney General or the CJTC. The **LED** is published as a research source only. The **LED** does not purport to furnish legal advice. **LED**'s from January 1992 forward are available via a link on the Commission's Internet Home Page at: [<http://www.cjtc.state.wa.us>].