
HOUSE BILL 1911

State of Washington

68th Legislature

2024 Regular Session

By Representatives Taylor, Cheney, Ortiz-Self, Reed, Simmons, Ormsby, Reeves, Fosse, and Davis; by request of Office of Public Defense

Prefiled 12/07/23. Read first time 01/08/24. Referred to Committee on Civil Rights & Judiciary.

1 AN ACT Relating to activities in which the office of public
2 defense may engage without violating the prohibition on providing
3 direct representation of clients; reenacting and amending RCW
4 2.70.020; and adding a new section to chapter 2.70 RCW.

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

6 **Sec. 1.** RCW 2.70.020 and 2023 c 261 s 2 and 2023 c 120 s 2 are
7 each reenacted and amended to read as follows:

8 The director shall:

9 (1) Administer all state-funded services in the following program
10 areas:

11 (a) Trial court criminal indigent defense, as provided in chapter
12 10.101 RCW;

13 (b) Appellate indigent defense, as provided in this chapter and
14 RCW 10.73.150;

15 (c) Representation of indigent parents qualified for appointed
16 counsel in dependency and termination cases, as provided in RCW
17 13.34.090 and 13.34.092;

18 (d) Extraordinary criminal justice cost petitions, as provided in
19 RCW 43.330.190;

20 (e) Compilation of copies of DNA test requests by persons
21 convicted of felonies, as provided in RCW 10.73.170;

1 (f) Representation of indigent respondents qualified for
2 appointed counsel in sexually violent predator civil commitment
3 cases, as provided in chapter 71.09 RCW; and

4 (g) Representation of indigent persons who are acquitted by
5 reason of insanity and committed to state psychiatric care as
6 provided in chapter 10.77 RCW;

7 (2) Subject to availability of funds appropriated for this
8 specific purpose, provide access to counsel for indigent persons
9 incarcerated in a juvenile rehabilitation or adult correctional
10 facility to file and prosecute a first, timely personal restraint
11 petition under RCW 10.73.150. The office shall establish eligibility
12 criteria that prioritize access to counsel for youth under age 25,
13 youth or adults with sentences in excess of 120 months, youth or
14 adults with disabilities, and youth or adults with limited English
15 proficiency. Nothing in this subsection creates an entitlement to
16 counsel at state expense to file a personal restraint petition;

17 (3) Subject to the availability of funds appropriated for this
18 specific purpose, appoint counsel to petition the sentencing court if
19 the legislature creates an ability to petition the sentencing court,
20 or appoint counsel to challenge a conviction or sentence if a final
21 decision of an appellate court creates the ability to challenge a
22 conviction or sentence. Nothing in this subsection creates an
23 entitlement to counsel at state expense to petition the sentencing
24 court;

25 (4) Provide access to attorneys for juveniles contacted by a law
26 enforcement officer for whom a legal consultation is required under
27 RCW 13.40.740;

28 (5) Submit a biennial budget for all costs related to the
29 office's program areas;

30 (6) Establish administrative procedures, standards, and
31 guidelines for the office's program areas, including cost-efficient
32 systems that provide for authorized recovery of costs;

33 (7) Provide oversight and technical assistance to ensure the
34 effective and efficient delivery of services in the office's program
35 areas;

36 (8) Recommend criteria and standards for determining and
37 verifying indigency. In recommending criteria for determining
38 indigency, the director shall compile and review the indigency
39 standards used by other state agencies and shall periodically submit

1 the compilation and report to the legislature on the appropriateness
2 and consistency of such standards;

3 (9) Collect information regarding indigent defense services
4 funded by the state and report annually to the advisory committee,
5 the legislature, and the supreme court;

6 (10) Coordinate with the supreme court and the judges of each
7 division of the court of appeals to determine how appellate attorney
8 services should be provided.

9 ~~((The office of public defense shall not provide direct
10 representation of clients.))~~

11 NEW SECTION. **Sec. 2.** A new section is added to chapter 2.70 RCW
12 to read as follows:

13 (1) Except as otherwise provided in this section, the office of
14 public defense shall not provide direct representation of clients.

15 (2) In order to protect and preserve client rights when
16 administering the office's statutory duties to provide initial
17 telephonic or video consultation services, managing and supervising
18 attorneys of the office of public defense who meet applicable public
19 defense qualifications may provide limited short-term coverage for
20 the consultation services if office of public defense contracted
21 counsel is unavailable to provide the consultation services. The
22 office shall provide services in a manner consistent with the rules
23 of professional conduct, chapter 42.52 RCW, and applicable policies
24 of the office of public defense.

25 (3) The office of public defense may coordinate with law schools
26 to facilitate and supervise placement of law clerks, externs, and
27 interns with office of public defense contracted counsel, in a manner
28 consistent with the Washington admission and practice rules, the
29 rules of professional conduct, chapter 42.52 RCW, and applicable
30 policies of the office of public defense.

31 (4) Employees of the office of public defense may provide pro
32 bono legal services in a manner consistent with the rules of
33 professional conduct, chapter 42.52 RCW, and applicable policies of
34 the office of public defense.

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ADMINISTRATIVE OFFICE OF THE COURTS

2024 Request Legislation

The 2024 Board for Judicial Administration (BJA) legislative slate has been finalized, and the Administrative Office of the Courts (AOC) will be proposing six bills on behalf of the BJA. The proposals are summarized below.

PROPOSAL 1

Water Rights Adjudication Judicial Position

Requests an additional superior court judge for Whatcom County to work on the water rights adjudication filed by the Department of Ecology.

PROPOSAL 2

Water Rights Adjudication Commissioner Position

Creates a superior court commissioner position in Whatcom County. This position was already funded in the 2023-2025 biennium budget and the commissioner will work on the water rights adjudication proceedings filed by the Department of Ecology. It would also authorize the court's use of a referee in a water adjudication without party consent or application.

PROPOSAL 3

Notice of Court Reorganization

Requires counties and cities to provide one-year written notice to the Administrative Office of the Courts (AOC) with changes to court technology services and/or vendors. This notification is in addition to the notice that they provide to the party with which they are terminating service. Also requires cities to provide six months written notice to AOC for the establishment or termination of a municipal court.

PROPOSAL 4

Court Interpreter Statutory Revisions (RCW 2.43)

Changes Washington statute to be compliant with the Department of Justice policy interpretations of Title VI; updates statutory language to align with operations conducted by AOCs Court Interpreter Credentialing program; updates the policy regarding the Language Access and Interpreter Reimbursement Program to allow more robust funding to courts resulting from the increased resources made available after the success of the BJA's Interpreter Services Funding Taskforce.

PROPOSAL 5

Superior Court Judicial Positions – Clark County

Requests an additional superior court judicial position in Clark County Superior Court. This is dependent on funding from their county commission, who will meet and decide in late fall 2023.

PROPOSAL 6

Supreme Court Bailiff Information Sharing and Limited Investigative Authority

Creates limited investigative authority for the Supreme Court Bailiffs, so that they can access criminal history and nonconviction data to properly assess security threats and communicate with law enforcement.

2024 Supplemental Budget

TOP PRIORITIES

1. Support Trial Courts
2. Improve Access to Justice
3. Maintain Critical IT Structure

Support Trial Courts

\$2.4 Million

Trial courts have urgent supplemental budget needs that are critical to the success of our core function, including:

- Funding for water rights adjudication and adding a judge to Whatcom County;
- Funding a 12th Clark County Superior Court Judge; and
- Implementing Protection Order Training for Judicial Officers

Improve Access to Justice

\$3.3 Million

We must continue improving access to justice by continuing critical projects that directly impact Washington residents. This includes:

- Continuing funding to implement *Blake*;
- Aligning the Juror Pay Pilot funding with the implementation framework;
- Extending the Self-Help Center Pilot for another year; and
- Adequately staffing the Minority & Justice Commission

Maintain Critical IT Infrastructure

\$1.8 Million

By implementing a few, small IT projects, we can maintain existing judicial branch IT infrastructure and lay the groundwork for solving large and long-term issues with the courts' information systems.

SENATE BILL 5827

State of Washington

68th Legislature

2024 Regular Session

By Senators Shewmake, Lovelett, Dhingra, Lovick, and Mullet; by request of Administrative Office of the Courts

Prefiled 12/11/23. Read first time 01/08/24. Referred to Committee on Law & Justice.

1 AN ACT Relating to adding an additional superior court judge in
2 Whatcom county; and amending RCW 2.08.063.

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

4 **Sec. 1.** RCW 2.08.063 and 2013 c 210 s 1 are each amended to read
5 as follows:

6 There shall be in the county of Lincoln one judge of the superior
7 court; in the county of Skagit, four judges of the superior court; in
8 the county of Walla Walla, two judges of the superior court; in the
9 county of Whitman, one judge of the superior court; in the county of
10 Yakima, eight judges of the superior court; in the county of Adams,
11 one judge of the superior court; in the county of Whatcom, (~~four~~)
12 five judges of the superior court.

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SENATE BILL 5828

State of Washington

68th Legislature

2024 Regular Session

By Senators Shewmake, Lovelett, Dhingra, Lovick, and Nobles; by request of Administrative Office of the Courts

Prefiled 12/11/23. Read first time 01/08/24. Referred to Committee on Law & Justice.

1 AN ACT Relating to water rights adjudication commissioners and
2 referees; amending RCW 4.48.020 and 90.03.160; and adding new
3 sections to chapter 90.03 RCW.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 90.03
6 RCW to read as follows:

7 (1) In each county, the superior court may appoint one or more
8 attorneys to act as water commissioners to assist the superior court
9 in disposing of its business.

10 (2) The appointments provided for in this section shall be made
11 by a majority vote of the judges of the superior court of the county
12 and may be in addition to all other appointments of commissioners and
13 other judicial attaches otherwise authorized by law. Water
14 commissioners shall serve at the pleasure of the judges appointing
15 them.

16 (3) In appointing a water commissioner, the court shall consider
17 a potential commissioner's experience with water law and water use.

18 (4) The appointments may be full-time or part-time positions. A
19 person appointed as a water commissioner may also be appointed to any
20 other commissioner position authorized by law.

1 NEW SECTION. **Sec. 2.** A new section is added to chapter 90.03
2 RCW to read as follows:

3 The judges of the superior court of the county by majority vote
4 may authorize water commissioners, appointed pursuant to section 1 of
5 this act, to perform any and all of the following in a water rights
6 adjudication:

7 (1) Appoint guardians ad litem for claimants under RCW 90.03.150
8 as necessary;

9 (2) Hold evidentiary hearings to determine the facts underlying
10 individual and multiple water right claims;

11 (3) Hold hearings on all contested claims, objections, and
12 stipulated agreements;

13 (4) Issue decisions on factual and legal issues;

14 (5) Enter default judgments, settlement agreements, and
15 conditional final orders;

16 (6) Cause the orders and findings of the adjudication to be
17 entered in the same manner as orders and findings are entered in
18 cases in the superior court; and

19 (7) Provide such supervision of the water rights adjudication in
20 connection with the exercise of its jurisdiction as may be ordered by
21 the presiding judge and assigned water adjudication judge.

22 **Sec. 3.** RCW 4.48.020 and 1984 c 258 s 513 are each amended to
23 read as follows:

24 Where the parties do not consent, the court may, upon the
25 application of either party, except for the appointment of a water
26 rights adjudication referee under RCW 90.03.160, direct a reference
27 in all cases formerly cognizable in chancery in which reference might
28 be made:

29 (1) When the trial of an issue of fact shall require the
30 examination of a long account on either side, in which case the
31 referees may be directed to hear and decide the whole issue, or to
32 report upon any specific question of fact involved therein; or,

33 (2) When the taking of an account shall be necessary for the
34 information of the court, before judgment upon an issue of law, or
35 for carrying a judgment or order into effect; or,

36 (3) When a question of fact other than upon the pleadings shall
37 arise, upon motion or otherwise, in any stage of the action; or,

38 (4) When it is necessary for the information of the court in a
39 special proceeding.

1 **Sec. 4.** RCW 90.03.160 and 2009 c 332 s 10 are each amended to
2 read as follows:

3 (1) Upon filing of the department's motion or motions under RCW
4 90.03.640(3), any party with a claim filed under RCW 90.03.140 for
5 the appropriation of water or waters of the subject adjudication may
6 file and serve a response to the department's motion or motions
7 within the time set by the court for such a response. Objections must
8 include specific information in regard to the particular disposition
9 against which the objection is being made. Objections must also state
10 the underlying basis of the objection being made, including general
11 information about the forms of evidence that support the objection.
12 Any party may file testimony with the court and serve it on other
13 parties. If a party intends to cross-examine a claimant or witness
14 based on another party's prefiled testimony, the party intending to
15 cross-examine shall file a notice of intent to cross-examine no later
16 than fifteen days in advance of the hearing. If no notice of intent
17 to cross-examine based on the prefiled testimony is given, then the
18 claimant or witness is not required to appear at the hearing. Any
19 party may present evidence in support of or in response to an
20 objection.

21 (2) The superior court may appoint a referee or other judicial
22 officer to assist the court. Consent of parties is not required for a
23 court-appointed referee to hear water rights adjudication matters.

24 (3) The superior court may adopt special rules of procedure for
25 an adjudication of water rights under this chapter, including
26 simplified procedures for claimants of small uses of water. The rules
27 of procedure for a superior court apply to an adjudication of water
28 rights under this chapter unless superseded by special rules of the
29 court under this subsection. The superior court is encouraged to
30 consider entering, after notice and hearing and as the court
31 determines appropriate, pretrial orders from an adjudication
32 commenced on October 12, 1977.

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HOUSE BILL 2034

State of Washington

68th Legislature

2024 Regular Session

By Representatives Cheney, Taylor, Leavitt, Ramos, Reed, and Reeves; by request of Administrative Office of the Courts

Prefiled 12/22/23. Read first time 01/08/24. Referred to Committee on Civil Rights & Judiciary.

1 AN ACT Relating to requiring counties and cities to provide the
2 administrative office of the courts with notice of court
3 reorganizations; and amending RCW 3.50.010, 3.50.060, 3.50.805,
4 3.50.810, 35.20.010, and 39.34.180.

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

6 **Sec. 1.** RCW 3.50.010 and 1984 c 258 s 103 are each amended to
7 read as follows:

8 Any city or town with a population of four hundred thousand or
9 less may by ordinance provide for an inferior court to be known and
10 designated as a municipal court, which shall be entitled "The
11 Municipal Court of (insert name of city or town),"
12 hereinafter designated and referred to as "municipal court," which
13 court shall have jurisdiction and shall exercise all powers by this
14 chapter declared to be vested in the municipal court, together with
15 such other powers and jurisdiction as are generally conferred upon
16 such court in this state either by common law or by express statute.
17 However, no municipal court established under this section shall have
18 jurisdiction over any matter until six months after a notice of
19 intent to create a new municipal court is sent to the administrative
20 office of the courts.

1 **Sec. 2.** RCW 3.50.060 and 1984 c 258 s 108 are each amended to
2 read as follows:

3 A city or town electing to establish a municipal court pursuant
4 to this chapter may terminate such court by adoption of an
5 appropriate ordinance. However no municipal court may be terminated
6 unless the municipality has complied with RCW 3.50.805, 3.50.810,
7 35.22.425, 35.23.595, (~~35.24.455~~) 35.23.555, 35.27.515, 35.30.100,
8 and 35A.11.200.

9 A city or town newly establishing a municipal court pursuant to
10 this chapter shall do so by adoption of an appropriate ordinance (~~or~~
11 ~~or before December 1 of any year, to take effect January 1 of the~~
12 ~~following year~~) as provided in RCW 3.50.010.

13 **Sec. 3.** RCW 3.50.805 and 2005 c 433 s 35 are each amended to
14 read as follows:

15 (1) A municipality operating a municipal court under this chapter
16 shall not terminate that court unless a notice of intent to terminate
17 is sent to the administrative office of the courts six months in
18 advance of the termination and the municipality has reached an
19 agreement with the appropriate county or another municipality under
20 chapter 39.34 RCW under which the county or municipality is to be
21 paid a reasonable amount for costs associated with prosecution,
22 adjudication, and sentencing in criminal cases filed in district or
23 municipal court as a result of the termination. The agreement shall
24 provide for periodic review and renewal of the terms of the
25 agreement. If the municipality and the county or municipality are
26 unable to agree on the terms for renewal of the agreement, they shall
27 be deemed to have entered into an agreement to submit the issue to
28 arbitration under chapter 7.04A RCW. Pending conclusion of the
29 arbitration proceeding, the terms of the agreement shall remain in
30 effect. The municipality and the county or municipality have the same
31 rights and are subject to the same duties as other parties who have
32 agreed to submit to arbitration under chapter 7.04A RCW. A
33 municipality that has entered into agreements with other
34 municipalities that have terminated their municipal courts may not
35 thereafter terminate its court unless each municipality has reached
36 an agreement with the appropriate county in accordance with this
37 section.

38 (2) A municipality operating a municipal court under this chapter
39 may not repeal in its entirety that portion of its municipal code

1 defining crimes while retaining the court's authority to hear and
2 determine traffic infractions under chapter 46.63 RCW unless the
3 municipality has reached an agreement with the county under chapter
4 39.34 RCW under which the county is to be paid a reasonable amount
5 for costs associated with prosecution, adjudication, and sentencing
6 in criminal cases filed in district court as a result of the repeal.
7 The agreement shall provide for periodic review and renewal of the
8 terms of the agreement. If the municipality and the county are unable
9 to agree on the terms for renewal of the agreement, they shall be
10 deemed to have entered into an agreement to submit the issue to
11 arbitration under chapter 7.04A RCW. Pending conclusion of the
12 arbitration proceeding, the terms of the agreement shall remain in
13 effect. The municipality and the county have the same rights and are
14 subject to the same duties as other parties who have agreed to submit
15 to arbitration under chapter 7.04A RCW.

16 (3) A municipality operating a municipal court under this chapter
17 may not repeal a provision of its municipal code which defines a
18 crime equivalent to an offense listed in RCW 46.63.020 unless the
19 municipality has reached an agreement with the county under chapter
20 39.34 RCW under which the county is to be paid a reasonable amount
21 for costs associated with prosecution, adjudication, and sentencing
22 in criminal cases filed in district court as a result of the repeal.
23 The agreement shall provide for periodic review and renewal of the
24 terms of the agreement. If the municipality and the county are unable
25 to agree on the terms for renewal of the agreement, they shall be
26 deemed to have entered into an agreement to submit the issue to
27 arbitration under chapter 7.04A RCW. Pending conclusion of the
28 arbitration proceeding, the terms of the agreement shall remain in
29 effect. The municipality and the county have the same rights and are
30 subject to the same duties as other parties who have agreed to submit
31 to arbitration under chapter 7.04A RCW.

32 **Sec. 4.** RCW 3.50.810 and 2001 c 68 s 1 are each amended to read
33 as follows:

34 (1) Any city having entered into an agreement for court services
35 with the county must provide written notice of the intent to
36 terminate the agreement to the county legislative authority and to
37 the administrative office of the courts not less than one year prior
38 to February 1st of the year in which all district court judges are
39 subject to election.

1 (2) Any city that terminates an agreement for court services to
2 be provided by a district court may terminate the agreement only at
3 the end of a four-year district court judicial term.

4 (3) A county that wishes to terminate an agreement with a city
5 for the provision of court services must provide written notice of
6 the intent to terminate the agreement to the city legislative
7 authority and to the administrative office of the courts not less
8 than one year prior to the expiration of the agreement.

9 **Sec. 5.** RCW 35.20.010 and 2005 c 433 s 37 are each amended to
10 read as follows:

11 (1) There is hereby created and established in each incorporated
12 city of this state having a population of more than four hundred
13 thousand inhabitants, as shown by the federal or state census,
14 whichever is the later, a municipal court, which shall be styled "The
15 Municipal Court of (name of city)," hereinafter
16 designated and referred to as the municipal court, which court shall
17 have jurisdiction and shall exercise all the powers by this chapter
18 declared to be vested in such municipal court, together with such
19 powers and jurisdiction as is generally conferred in this state
20 either by common law or statute. However, no municipal court
21 established under this section shall have jurisdiction over any
22 matter until six months after a notice of intent to create a new
23 municipal court is sent to the administrative office of the courts.

24 (2) A municipality operating a municipal court under this section
25 may terminate that court if the municipality has reached an agreement
26 with the county under chapter 39.34 RCW under which the county is to
27 be paid a reasonable amount for costs associated with prosecution,
28 adjudication, and sentencing in criminal cases filed in district
29 court as a result of the termination. However, no municipal court may
30 be terminated under this section unless a notice of intent to
31 terminate is sent to the administrative office of the courts six
32 months in advance of the termination. The agreement shall provide for
33 periodic review and renewal of the terms of the agreement. If the
34 municipality and the county are unable to agree on the terms for
35 renewal of the agreement, they shall be deemed to have entered into
36 an agreement to submit the issue to arbitration under chapter 7.04A
37 RCW. Pending conclusion of the arbitration proceeding, the terms of
38 the agreement shall remain in effect. The municipality and the county
39 have the same rights and are subject to the same duties as other

1 parties who have agreed to submit to arbitration under chapter 7.04A
2 RCW.

3 (3) A city that has entered into an agreement for court services
4 with the county must provide written notice of the intent to
5 terminate the agreement to the county legislative authority and to
6 the administrative office of the courts not less than one year prior
7 to February 1st of the year in which all district court judges are
8 subject to election. A city that terminates an agreement for court
9 services to be provided by a district court may terminate the
10 agreement only at the end of a four-year district court judicial
11 term.

12 (4) A county that wishes to terminate an agreement with a city
13 for the provision of court services must provide written notice of
14 the intent to terminate the agreement to the city legislative
15 authority and to the administrative office of the courts not less
16 than one year prior to the expiration of the agreement.

17 **Sec. 6.** RCW 39.34.180 and 2021 c 41 s 2 are each amended to read
18 as follows:

19 (1) Each county, city, and town is responsible for the
20 prosecution, adjudication, sentencing, and incarceration of
21 misdemeanor and gross misdemeanor offenses committed by adults in
22 their respective jurisdictions, and referred from their respective
23 law enforcement agencies, whether filed under state law or city
24 ordinance, and must carry out these responsibilities through the use
25 of their own courts, staff, and facilities, or by entering into
26 contracts or interlocal agreements under this chapter to provide
27 these services. Nothing in this section is intended to alter the
28 statutory responsibilities of each county for the prosecution,
29 adjudication, sentencing, and incarceration for not more than one
30 year of felony offenders, nor shall this section apply to any offense
31 initially filed by the prosecuting attorney as a felony offense or an
32 attempt to commit a felony offense. The court of any county, city, or
33 town that wishes to offer probation supervision services may enter
34 into interlocal agreements under subsection (6) of this section to
35 provide those services.

36 (2) The following principles must be followed in negotiating
37 interlocal agreements or contracts: Cities and counties must consider
38 (a) anticipated costs of services; and (b) anticipated and potential
39 revenues to fund the services, including fines and fees, criminal

1 justice funding, and state-authorized sales tax funding levied for
2 criminal justice purposes.

3 (3) If an agreement as to the levels of compensation within an
4 interlocal agreement or contract for gross misdemeanor and
5 misdemeanor services cannot be reached between a city and county,
6 then either party may invoke binding arbitration on the compensation
7 issued by notice to the other party. In the case of establishing
8 initial compensation, the notice shall request arbitration within
9 thirty days. In the case of nonrenewal of an existing contract or
10 interlocal agreement, the notice must be given one hundred twenty
11 days prior to the expiration of the existing contract or agreement
12 and the existing contract or agreement remains in effect until a new
13 agreement is reached or until an arbitration award on the matter of
14 fees is made. The city and county each select one arbitrator, and the
15 initial two arbitrators pick a third arbitrator. This subsection does
16 not apply to the extent that the interlocal agreement is for
17 probation supervision services.

18 (4) A city or county that wishes to terminate an agreement for
19 the provision of court services must provide written notice of the
20 intent to terminate the agreement in accordance with RCW 3.50.810 and
21 35.20.010. This subsection does not apply to the extent that the
22 interlocal agreement is for probation supervision services. The city
23 or county shall provide a copy of the written notice to terminate an
24 agreement for the provision of court services to the administrative
25 office of the courts not less than one year prior to the expiration
26 of the agreement.

27 (5) For cities or towns that have not adopted, in whole or in
28 part, criminal code or ordinance provisions related to misdemeanor
29 and gross misdemeanor crimes as defined by state law, this section
30 shall have no application until July 1, 1998.

31 (6) Municipal courts or district courts may enter into interlocal
32 agreements for pretrial and/or postjudgment probation supervision
33 services pursuant to ARLJ 11. Such agreements shall not affect the
34 jurisdiction of the court that imposes probation supervision, need
35 not require the referral of all supervised cases by a jurisdiction,
36 and may limit the referral for probation supervision services to a
37 single case. An agreement for probation supervision services is not
38 valid unless approved by the presiding judge of each participating
39 court. The interlocal agreement may not require approval of the local
40 executive and legislative bodies unless the interlocal agreement

1 requires the expenditure of additional funds by the jurisdiction. If
2 the jurisdiction providing probation supervision services is found
3 liable for inadequate supervision, as provided in RCW 4.24.760(1), or
4 is impacted by increased costs pursuant to the interlocal agreement,
5 the presiding judge of the jurisdiction imposing probation
6 supervision shall consult with the executive authority of the
7 jurisdiction imposing probation supervision and determine whether to
8 terminate the interlocal agreement for probation supervision
9 services. All proceedings to grant, modify, or revoke probation must
10 be held in the court that imposes probation supervision. Jail costs
11 and the cost of other sanctions remain with the jurisdiction that
12 imposes probation supervision.

13 The administrative office of the courts, in cooperation with the
14 district and municipal court judges association and the Washington
15 association of prosecuting attorneys, shall develop a model
16 interlocal agreement.

--- END ---

HOUSE BILL 2006

State of Washington

68th Legislature

2024 Regular Session

By Representatives Peterson, Mena, Ryu, Ramel, Cortes, Reed, Ormsby, Kloba, Cheney, Doglio, Goodman, Thai, Ortiz-Self, Lekanoff, Hackney, and Davis; by request of Administrative Office of the Courts

Prefiled 12/21/23. Read first time 01/08/24. Referred to Committee on Civil Rights & Judiciary.

1 AN ACT Relating to court interpreters; amending RCW 2.43.010,
2 2.43.030, 2.43.050, 2.43.060, 2.43.080, 2.43.070, 2.43.040, 2.43.090,
3 2.56.030, 7.105.245, 13.04.043, and 2.42.120; reenacting and amending
4 RCW 2.43.020; adding new sections to chapter 2.43 RCW; and
5 recodifying RCW 2.43.040 and 2.43.080.

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

7 **Sec. 1.** RCW 2.43.010 and 1989 c 358 s 1 are each amended to read
8 as follows:

9 It is hereby declared to be the policy of this state to secure
10 the rights, constitutional or otherwise, of persons who, because of a
11 non-English-speaking cultural background, are unable to readily
12 understand or communicate in the English language, and who
13 consequently cannot be fully protected in legal proceedings unless
14 ((qualified)) interpreters are available to assist them.

15 It is the intent of the legislature in the passage of this
16 chapter to provide for the use and procedure for the appointment of
17 such interpreters. ((Nothing in chapter 358, Laws of 1989 abridges
18 the parties' rights or obligations under other statutes or court
19 rules or other law.))

1 **Sec. 2.** RCW 2.43.020 and 2010 c 190 s 2 are each reenacted and
2 amended to read as follows:

3 As used in this chapter:

4 (1) (~~"Appointing authority" means the presiding officer or~~
5 ~~similar official of any court, department, board, commission, agency,~~
6 ~~licensing authority, or legislative body of the state or of any~~
7 ~~political subdivision thereof.~~

8 ~~(2) "Certified interpreter" means an interpreter who is certified~~
9 ~~by the administrative office of the courts.~~

10 ~~(3))~~ "Credentialed interpreter" means an interpreter who is
11 credentialed by the administrative office of the courts in a spoken
12 language.

13 (2) "Judicial officer" means a judge, commissioner, or magistrate
14 of any court.

15 (3) "Language access plan" means a plan that is publicly
16 available which contains the elements required by RCW 2.43.090.

17 (4) "Legal proceeding" means ((a)) any proceeding in any court
18 ((in this state, grand jury hearing, or hearing)), and in any type of
19 hearing before ((an inquiry judge,)) a judicial officer, an
20 administrative law judge, or before an administrative board,
21 commission, agency, or licensing body of the state or any political
22 subdivision ((thereof)).

23 ~~((4) "Non-English speaking person"))~~ (5) "Person with limited
24 English proficiency" means ((any)) a person involved in a legal
25 proceeding who cannot readily speak or understand the English
26 language, but does not include ((hearing-impaired persons)) deaf,
27 deaf-blind, and hard of hearing individuals who are covered under
28 chapter 2.42 RCW.

29 ~~((5) "Qualified interpreter" means a person who is able readily~~
30 ~~to interpret or translate spoken and written English for non-English-~~
31 ~~speaking persons and to interpret or translate oral or written~~
32 ~~statements of non-English-speaking persons into spoken English.))~~

33 ~~(6) ("Registered interpreter" means an interpreter who is~~
34 ~~registered by the administrative office of the courts.))~~ "Presiding
35 officer" means the judicial officer or similar official of any court,
36 department, board, commission, agency, or licensing authority of the
37 state or of any political subdivision thereof.

38 **Sec. 3.** RCW 2.43.030 and 2005 c 282 s 3 are each amended to read
39 as follows:

1 (1) ~~((Whenever an interpreter is appointed to assist a non-~~
2 ~~English-speaking person in a legal proceeding, the appointing~~
3 ~~authority shall, in the absence of a written waiver by the person,~~
4 ~~appoint a certified or a qualified interpreter to assist the person~~
5 ~~throughout the proceedings.~~

6 ~~(a) Except as otherwise provided for in (b) of this subsection,~~
7 ~~the interpreter appointed shall be a qualified interpreter.~~

8 ~~(b) Beginning on July 1, 1990, when a non-English-speaking person~~
9 ~~is a party to a legal proceeding, or is subpoenaed or summoned by an~~
10 ~~appointing authority or is otherwise compelled by an appointing~~
11 ~~authority to appear at a legal proceeding, the appointing authority~~
12 ~~shall use the services of only those language interpreters who have~~
13 ~~been certified by the administrative office of the courts, unless~~
14 ~~good cause is found and noted on the record by the appointing~~
15 ~~authority. For purposes of chapter 358, Laws of 1989, "good cause"~~
16 ~~includes but is not limited to a determination that:~~

17 ~~(i) Given the totality of the circumstances, including the nature~~
18 ~~of the proceeding and the potential penalty or consequences involved,~~
19 ~~the services of a certified interpreter are not reasonably available~~
20 ~~to the appointing authority; or~~

21 ~~(ii) The current list of certified interpreters maintained by the~~
22 ~~administrative office of the courts does not include an interpreter~~
23 ~~certified in the language spoken by the non-English-speaking person.~~

24 ~~(c) Except as otherwise provided in this section, when a non-~~
25 ~~English-speaking person is involved in a legal proceeding, the~~
26 ~~appointing authority shall appoint a qualified interpreter.))~~ (a)
27 Credentialed interpreters shall be appointed in legal proceedings
28 involving participation of persons with limited English proficiency,
29 unless good cause is found on the record for appointing a
30 noncredentialed interpreter.

31 (b) For purposes of this chapter, "good cause" includes, but is
32 not limited to, a determination that:

33 (i) Given the totality of the circumstances, including the nature
34 of the proceeding and the potential penalty or consequences involved,
35 the services of a credentialed interpreter are not reasonably
36 available; or

37 (ii) The current list of interpreters maintained by the
38 administrative office of the courts does not include an interpreter
39 credentialed in the language spoken by the person with limited
40 English proficiency.

1 (2) If good cause is found for using an interpreter who is not
2 (~~certified or if a qualified interpreter is appointed, the~~
3 ~~appointing authority shall make a preliminary determination, on the~~
4 ~~basis of testimony or stated needs of the non-English-speaking~~
5 ~~person, that the proposed interpreter is able to interpret accurately~~
6 ~~all communications to and from such person in that particular~~
7 ~~proceeding. The appointing authority shall satisfy itself on the~~
8 ~~record that the proposed interpreter:~~

9 ~~(a) Is capable of communicating effectively with the court or~~
10 ~~agency and the person for whom the interpreter would interpret; and~~

11 ~~(b) Has read, understands, and will abide by the code of ethics~~
12 ~~for language interpreters established by court rules)) credentialed,~~
13 ~~the judicial or presiding officer shall make a preliminary~~
14 ~~determination that the proposed interpreter is able to interpret~~
15 ~~accurately all communications to and from the person with limited~~
16 ~~English proficiency in that particular proceeding. The determination~~
17 ~~shall be made on the basis of testimony or stated needs of the person~~
18 ~~with limited English proficiency.~~

19 (3) The judicial or presiding officer shall satisfy itself and
20 state on the record that:

21 (a) The proposed interpreter is capable of communicating
22 effectively in English and in the non-English language. If the
23 interpreter is assigned to interpret between two non-English
24 languages (relay interpreter), the interpreter shall not be required
25 to communicate in English;

26 (b) The proposed interpreter has read, understands, and will
27 abide by the code of professional responsibility for judiciary
28 interpreters established by court rule. If the interpreter does not
29 meet this requirement, the interpreter may be given time to review
30 the code of professional responsibility for judiciary interpreters;
31 and

32 (c) The person with limited English proficiency can understand
33 the interpreter.

34 (4) The court shall inquire whether the interpreter can
35 accurately interpret in the consecutive mode and whether the
36 interpreter can accurately interpret in the simultaneous mode.

37 (5) If the proposed interpreter does not meet the criteria in
38 subsection (3) of this section, another interpreter must be used.

1 **Sec. 4.** RCW 2.43.050 and 2017 c 83 s 2 are each amended to read
2 as follows:

3 (1) (a) Upon ~~((certification or registration with the~~
4 ~~administrative office of the courts, certified or registered))~~
5 obtaining an interpreter credential with the administrative office of
6 the courts, credentialed interpreters shall take ~~((an))~~ a permanent
7 oath, affirming that the interpreter will make a true interpretation
8 ~~((to the person being examined))~~ of all the proceedings ~~((in a~~
9 ~~language which the person understands,))~~ and that the interpreter
10 will repeat the statements of the person ~~((being examined))~~ with
11 limited English proficiency to the court or agency conducting the
12 proceedings, in the English language, to the best of the
13 interpreter's skill and judgment.

14 (b) The administrative office of the courts shall maintain the
15 list of credentialed interpreters and a record of the oath in the
16 same manner ~~((that the list of certified and registered interpreters~~
17 ~~is maintained))~~.

18 (2) Before any person serving as an interpreter for the court or
19 agency begins to interpret, the ~~((appointing authority))~~ judicial or
20 presiding officer shall require the interpreter to state the
21 interpreter's name on the record and whether the interpreter is a
22 ~~((certified or registered))~~ credentialed interpreter. If the
23 interpreter is not a ~~((certified or registered))~~ credentialed
24 interpreter, the interpreter must ~~((submit the interpreter's~~
25 ~~qualifications))~~ be qualified on the record.

26 (3) Before beginning to interpret, every interpreter appointed
27 under this chapter shall take an oath unless the interpreter is a
28 ~~((certified or registered))~~ credentialed interpreter who has taken
29 the oath as required in subsection (1) of this section. The oath must
30 affirm that the interpreter will make a true interpretation to the
31 person being examined of all the proceedings in a language which the
32 person understands, and that the interpreter will repeat the
33 statements of the person being examined to the court or agency
34 conducting the proceedings, in the English language, to the best of
35 the interpreter's skill and judgment.

36 **Sec. 5.** RCW 2.43.060 and 1989 c 358 s 6 are each amended to read
37 as follows:

38 (1) The right to ~~((a qualified))~~ an interpreter may not be waived
39 except when:

1 (a) A ~~((non-English-speaking))~~ person with limited English
2 proficiency requests a waiver on the record; and

3 (b) The ~~((appointing authority))~~ judicial or presiding officer
4 determines on the record that the waiver has been made knowingly,
5 voluntarily, and intelligently.

6 (2) ~~((Waiver of a qualified interpreter))~~ The waiver of the right
7 to an interpreter may be set aside and an interpreter appointed~~((~~
8 ~~in))~~ at the discretion of the ~~((appointing authority,))~~ judicial or
9 presiding officer at any time during the proceedings.

10 (3) The waiver of the right to an interpreter does not preclude a
11 person with limited English proficiency from exercising the right to
12 an interpreter at a later time.

13 **Sec. 6.** RCW 2.43.080 and 1989 c 358 s 8 are each amended to read
14 as follows:

15 All language interpreters serving in a legal proceeding, whether
16 or not ~~((certified or qualified))~~ credentialed, shall abide by a code
17 of ~~((ethics))~~ professional responsibility for judiciary interpreters
18 established by supreme court rule.

19 NEW SECTION. **Sec. 7.** A new section is added to chapter 2.43 RCW
20 to read as follows:

21 The court shall appoint a team of interpreters as required by
22 supreme court rule.

23 **Sec. 8.** RCW 2.43.070 and 2005 c 282 s 4 are each amended to read
24 as follows:

25 (1) Subject to the availability of funds, the administrative
26 office of the courts shall establish and maintain a credentialing
27 program for spoken language interpreters and administer ~~((a))~~
28 comprehensive testing ~~((and certification program for language~~
29 ~~interpreters))~~.

30 (2) The administrative office of the courts shall work
31 cooperatively with ~~((community colleges and other))~~ public or private
32 ~~((or public))~~ educational institutions, and with other public or
33 private organizations to establish ~~((a certification preparation~~
34 ~~curriculum and))~~ suitable training programs and engage in recruitment
35 efforts to ensure the availability of ~~((certified))~~ credentialed
36 interpreters. Training programs shall be made readily available in
37 both eastern and western Washington locations.

1 (3) The administrative office of the courts shall establish and
2 adopt standards of proficiency, written and oral, in English and the
3 language to be interpreted.

4 (4) The administrative office of the courts shall conduct
5 periodic examinations to ensure the availability of ((certified))
6 credentialed interpreters. Periodic examinations shall be made
7 readily available in both eastern and western Washington locations.

8 (5) The administrative office of the courts shall compile,
9 maintain, and disseminate a current list of interpreters
10 ((certified)) credentialed by the office.

11 (6) The administrative office of the courts may charge reasonable
12 fees for testing, training, and ((certification)) credentialing.

13 (7) The administrative office of the courts may create different
14 credentials and provide guidance for the selection and use of
15 credentialed and noncredentialed interpreters to ensure the highest
16 standards of accuracy are maintained in all judicial proceedings.

17 **Sec. 9.** RCW 2.43.040 and 2023 c 102 s 1 are each amended to read
18 as follows:

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

22 (2) ~~In all legal proceedings ((in which the non-English-speaking~~
23 ~~person is a party, or is subpoenaed or summoned by the appointing~~
24 ~~authority or is otherwise compelled by the appointing authority to~~
25 ~~appear, including criminal proceedings, grand jury proceedings,~~
26 ~~coroner's inquests, mental health commitment proceedings, and other~~
27 ~~legal proceedings initiated by agencies of government, the cost of~~
28 ~~providing the interpreter shall be borne by the governmental body~~
29 ~~initiating the legal proceedings.~~

30 ~~(3) In other legal proceedings, the cost of providing the~~
31 ~~interpreter shall be borne by the non-English-speaking person unless~~
32 ~~such person is indigent according to adopted standards of the body.~~
33 ~~In such a case the cost shall be an administrative cost of the~~
34 ~~governmental body under the authority of which the legal proceeding~~
35 ~~is conducted.~~

36 ~~(4))~~ and court-mandated classes in which the person with limited
37 English proficiency is a party, is subpoenaed or summoned, are
38 parents, guardians, or custodians of a juvenile, or is compelled to

1 appear, the person with limited English proficiency is not
2 responsible for the cost of the interpreter.

3 (3) Subject to the availability of funds specifically
4 appropriated ((therefor)) for this purpose, the administrative office
5 of the courts shall reimburse the ((appointing authority for up to
6 one-half of the payment to the interpreter where an interpreter is
7 appointed by a judicial officer in a proceeding before a court at
8 public expense and:

9 (a) The interpreter appointed is an interpreter certified by the
10 administrative office of the courts or is a qualified interpreter
11 registered by the administrative office of the courts in a
12 noncertified language, or where the necessary language is not
13 certified or registered, the interpreter has been qualified by the
14 judicial officer pursuant to this chapter;

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

17 (c) The fee paid to the interpreter for services is in accordance
18 with standards established by the administrative office of the
19 courts)) participating state court for language access services costs
20 in accordance with terms of agreement established by the
21 administrative office of the courts and agreed to by the
22 participating state court.

23 **Sec. 10.** RCW 2.43.090 and 2008 c 291 s 1 are each amended to
24 read as follows:

25 (1) ((Each trial court)) Trial courts organized under this title
26 and Titles 3 and 35 RCW must develop and maintain a written language
27 ((assistance)) access plan to provide a framework for the provision
28 of ((interpreter)) language access services for ((non-English-
29 speaking)) persons with limited English proficiency accessing the
30 court system and its programs in both civil and criminal legal
31 matters. Courts may use a template developed by the administrative
32 office of the courts in developing their language access plan.

33 (2) The language ((assistance)) access plan must at a minimum
34 include((, at a minimum, provisions addressing)) provisions designed
35 to provide procedures for court staff and the public, as may be
36 necessary, that address the following:

37 (a) Procedures to identify and ((assess)) provide the language
38 needs of ((non-English-speaking)) persons with limited English
39 proficiency using the court system;

1 (b) Procedures for ~~((the appointment of))~~ requesting and
2 appointing interpreters as required under RCW 2.43.030 ~~((. Such~~
3 ~~procedures shall not require the non-English-speaking person to make~~
4 ~~the arrangements for the interpreter to appear in court))~~;

5 (c) Procedures for notifying court users of the right to an
6 interpreter and the availability of interpreter services. Such
7 information shall be prominently displayed in the courthouse in the
8 five ~~((foreign))~~ or more languages other than English that ~~((census))~~
9 reputable data indicates are predominate in the jurisdiction;

10 (d) A process for providing timely communication ~~((with non-~~
11 ~~English speakers by))~~ between individuals with limited English
12 proficiency and all court employees who have regular contact with the
13 public and ~~((meaningful))~~ effective access to court ~~((services,~~
14 ~~including access to))~~ services provided by the clerk's office and
15 other court-managed programs;

16 (e) Procedures for evaluating the need for translation of written
17 materials, and prioritizing and providing those ~~((translation needs,~~
18 ~~and translating the highest priority materials. These procedures))~~
19 translated materials. Courts should take into account the frequency
20 of use of forms by the language group, and the cost of ~~((orally~~
21 ~~interpreting))~~ providing the forms by other means;

22 (f) A process for ~~((requiring and providing))~~ training ~~((to))~~
23 judges, court clerks, and ~~((other))~~ court staff on ~~((the requirements~~
24 ~~of the language assistance plan))~~ best practices in serving
25 individuals with limited English proficiency in legal proceedings and
26 how to effectively ~~((access))~~ assign and work with interpreters and
27 provide interpretation; and

28 (g) A process for an ongoing evaluation of the language
29 ~~((assistance))~~ access plan and a process for monitoring ~~((of))~~ the
30 implementation of the language ~~((assistance))~~ access plan.

31 ~~((2))~~ (3) Each court, when developing its language
32 ~~((assistance))~~ access plan, must consult with judges, court
33 administrators ~~((and))~~, court staff, court clerks, interpreters, and
34 members of the community, such as domestic violence organizations,
35 pro bono programs, courthouse facilitators, legal services programs,
36 and/or other community groups whose members speak a language other
37 than English.

38 ~~((3) Each court must provide a copy of its language assistance~~
39 ~~plan to the interpreter commission established by supreme court rule~~

1 ~~for approval prior to receiving state reimbursement for interpreter~~
2 ~~costs under this chapter.~~

3 ~~(4) Each court receiving reimbursement for interpreter costs~~
4 ~~under RCW 2.42.120 or 2.43.040 must provide to the administrative~~
5 ~~office of the courts by November 15, 2009, a report detailing an~~
6 ~~assessment of the need for interpreter services for non-English~~
7 ~~speakers in court-mandated classes or programs, the extent to which~~
8 ~~interpreter services are currently available for court-mandated~~
9 ~~classes or programs, and the resources that would be required to~~
10 ~~ensure that interpreters are provided to non-English speakers in~~
11 ~~court-mandated classes or programs. The report shall also include the~~
12 ~~amounts spent annually on interpreter services for fiscal years 2005,~~
13 ~~2006, 2007, 2008, and 2009. The administrative office of the courts~~
14 ~~shall compile these reports and provide them along with the specific~~
15 ~~reimbursements provided, by court and fiscal year, to the appropriate~~
16 ~~committees of the legislature by December 15, 2009.)~~

17 (4) Beginning January 1, 2025, and every two years thereafter,
18 all courts must submit their most recent language access plan to the
19 administrative office of the courts.

20 (5) The administrative office of the courts shall provide
21 technical assistance to trial courts in developing their language
22 access plans.

23 (6) Each court must provide a copy of its language access plan to
24 the administrative office of the courts in accordance with criteria
25 for approval recommended by the interpreter and language access
26 commission for approval prior to receiving state reimbursement for
27 interpreter costs under this chapter.

28 (7) Each court shall make available on its website translated
29 information that informs the public of procedures necessary to access
30 a court's language access services and programs. The information
31 shall be provided in five or more languages other than English that
32 reputable data indicates are predominant in the jurisdiction.

33 **Sec. 11.** RCW 2.56.030 and 2019 c 271 s 5 are each amended to
34 read as follows:

35 The administrator for the courts shall, under the supervision and
36 direction of the chief justice:

37 (1) Examine the administrative methods and systems employed in
38 the offices of the judges, clerks, stenographers, and employees of

1 the courts and make recommendations, through the chief justice, for
2 the improvement of the same;

3 (2) Examine the state of the dockets of the courts and determine
4 the need for assistance by any court;

5 (3) Make recommendations to the chief justice relating to the
6 assignment of judges where courts are in need of assistance and carry
7 out the direction of the chief justice as to the assignments of
8 judges to counties and districts where the courts are in need of
9 assistance;

10 (4) Collect and compile statistical and other data and make
11 reports of the business transacted by the courts and transmit the
12 same to the chief justice to the end that proper action may be taken
13 in respect thereto;

14 (5) Prepare and submit budget estimates of state appropriations
15 necessary for the maintenance and operation of the judicial system
16 and make recommendations in respect thereto;

17 (6) Collect statistical and other data and make reports relating
18 to the expenditure of public moneys, state and local, for the
19 maintenance and operation of the judicial system and the offices
20 connected therewith;

21 (7) Obtain reports from clerks of courts in accordance with law
22 or rules adopted by the supreme court of this state on cases and
23 other judicial business in which action has been delayed beyond
24 periods of time specified by law or rules of court and make report
25 thereof to supreme court of this state;

26 (8) Act as secretary of the judicial conference referred to in
27 RCW 2.56.060;

28 (9) Submit annually, as of February 1st, to the chief justice, a
29 report of the activities of the administrator's office for the
30 preceding calendar year including activities related to courthouse
31 security;

32 (10) Administer programs and standards for the training and
33 education of judicial personnel;

34 (11) Examine the need for new superior court and district court
35 judge positions under an objective workload analysis. The results of
36 the objective workload analysis shall be reviewed by the board for
37 judicial administration which shall make recommendations to the
38 legislature. It is the intent of the legislature that an objective
39 workload analysis become the basis for creating additional district

1 and superior court positions, and recommendations should address that
2 objective;

3 (12) Provide staff to the judicial retirement account plan under
4 chapter 2.14 RCW;

5 (13) Attend to such other matters as may be assigned by the
6 supreme court of this state;

7 (14) Within available funds, develop a curriculum for a general
8 understanding of child development, placement, and treatment
9 resources, as well as specific legal skills and knowledge of relevant
10 statutes including chapters 13.32A, 13.34, and 13.40 RCW, cases,
11 court rules, interviewing skills, and special needs of the abused or
12 neglected child. This curriculum shall be completed and made
13 available to all juvenile court judges, court personnel, and service
14 providers and be updated yearly to reflect changes in statutes, court
15 rules, or case law;

16 (15) Develop, in consultation with the entities set forth in RCW
17 2.56.150(3), a comprehensive statewide curriculum for persons who act
18 as guardians ad litem under Title 13 or 26 RCW. The curriculum shall
19 be made available July 1, 2008, and include specialty sections on
20 child development, child sexual abuse, child physical abuse, child
21 neglect, domestic violence, clinical and forensic investigative and
22 interviewing techniques, family reconciliation and mediation
23 services, and relevant statutory and legal requirements. The
24 curriculum shall be made available to all superior court judges,
25 court personnel, and all persons who act as guardians ad litem;

26 (16) Develop a curriculum for a general understanding of hate
27 crime offenses, as well as specific legal skills and knowledge of RCW
28 9A.36.080, relevant cases, court rules, and the special needs of hate
29 crime offense victims. This curriculum shall be made available to all
30 superior court and court of appeals judges and to all justices of the
31 supreme court;

32 (17) Develop, in consultation with the criminal justice training
33 commission and the commissions established under chapters 43.113,
34 43.115, and 43.117 RCW, a curriculum for a general understanding of
35 ethnic and cultural diversity and its implications for working with
36 youth of color and their families. The curriculum shall be available
37 to all superior court judges and court commissioners assigned to
38 juvenile court, and other court personnel. Ethnic and cultural
39 diversity training shall be provided annually so as to incorporate

1 cultural sensitivity and awareness into the daily operation of
2 juvenile courts statewide;

3 (18) Authorize the use of closed circuit television and other
4 electronic equipment in judicial proceedings. The administrator shall
5 promulgate necessary standards and procedures and shall provide
6 technical assistance to courts as required;

7 (19) Develop a Washington family law handbook in accordance with
8 RCW 2.56.180;

9 (20) Administer state funds for improving the operation of the
10 courts and provide support for court coordinating councils, under the
11 direction of the board for judicial administration;

12 (21) Administer the family and juvenile court improvement grant
13 program;

14 (22)(a) Administer and distribute amounts appropriated under RCW
15 43.08.250(2) for district court judges' and qualifying elected
16 municipal court judges' salary contributions. The administrator for
17 the courts shall develop a distribution formula for these amounts
18 that does not differentiate between district and elected municipal
19 court judges.

20 (b) A city qualifies for state contribution of elected municipal
21 court judges' salaries under (a) of this subsection if:

22 (i) The judge is serving in an elected position;

23 (ii) The city has established by ordinance that a full-time judge
24 is compensated at a rate equivalent to at least ninety-five percent,
25 but not more than one hundred percent, of a district court judge
26 salary or for a part-time judge on a pro rata basis the same
27 equivalent; and

28 (iii) The city has certified to the office of the administrator
29 for the courts that the conditions in (b)(i) and (ii) of this
30 subsection have been met;

31 (23) Subject to the availability of funds specifically
32 appropriated therefor, assist courts in the development and
33 implementation of language (~~(assistance)~~) access plans required under
34 RCW 2.43.090.

35 **Sec. 12.** RCW 7.105.245 and 2021 c 215 s 33 are each amended to
36 read as follows:

37 (1) Pursuant to chapter 2.42 RCW, in order to ensure that parties
38 have meaningful access to the court, an interpreter shall be
39 appointed for any party who is deaf, hard of hearing, deaf-blind, or

1 has a speech impairment and cannot readily understand or communicate
2 in spoken language. Notwithstanding the provisions of chapter 2.42
3 RCW, the court shall not:

4 (a) Appoint an interpreter who is not credentialed or duly
5 qualified by the court to provide interpretation services; or

6 (b) Appoint a person to provide interpretation services if that
7 person is serving as an advocate for the party.

8 (2) Pursuant to chapter 2.43 RCW, in order to ensure that parties
9 have meaningful access to the court, an interpreter shall be
10 appointed for any party who (~~cannot readily speak or understand the~~
11 ~~English language~~) has limited English proficiency. Notwithstanding
12 the provisions of chapter 2.43 RCW, the court shall not:

13 (a) Appoint an interpreter who is not credentialed or duly
14 qualified by the court to provide interpretation services; or

15 (b) Appoint a person to provide interpretation services if that
16 person is serving as an advocate for the party.

17 (3) Once an interpreter has been appointed for a party, the party
18 shall no longer be required to make further requests for the
19 appointment of an interpreter for subsequent hearings or proceedings.
20 The clerk shall identify the party as a person who needs interpreter
21 services and the clerk or the court administrator shall be
22 responsible for ensuring that an interpreter is available for every
23 subsequent hearing.

24 (4) The interpreter shall interpret for the party meeting with
25 either counsel or court staff, or both, for the purpose of preparing
26 forms and participating in the hearing and court-ordered assessments,
27 and the interpreter shall sight translate any orders.

28 (5) The same interpreter shall not serve parties on both sides of
29 the proceeding when not on the record, nor shall the interpreter
30 appointed by the court for the proceeding be the same interpreter
31 appointed for any court-ordered assessments, unless the court finds
32 good cause on the record to do so because it is not possible to
33 obtain more than one interpreter for the proceeding, or the safety of
34 the litigants is not compromised, or any other reasons identified by
35 the court.

36 (6) Courts shall make a private space available for parties,
37 counsel, and/or court staff and interpreters to sight translate any
38 written documents or to meet and confer.

1 (7) When a hearing is conducted through telephone, video, or
2 other electronic means, the court must make appropriate arrangements
3 to permit interpreters to serve the parties and the court as needed.

4 **Sec. 13.** RCW 13.04.043 and 1993 c 415 s 6 are each amended to
5 read as follows:

6 The administrator of juvenile court shall obtain interpreters as
7 needed consistent with the intent and practice of chapter 2.43 RCW,
8 to enable ~~((non-English-speaking))~~ youth with limited English
9 proficiency and their families to participate in detention,
10 probation, or court proceedings and programs.

11 NEW SECTION. **Sec. 14.** RCW 2.43.040 and 2.43.080 are each
12 recodified as sections in chapter 2.43 RCW.

13 **Sec. 15.** RCW 2.42.120 and 2008 c 291 s 2 are each amended to
14 read as follows:

15 (1) If a hearing impaired person is a party or witness at any
16 stage of a judicial or quasi-judicial proceeding in the state or in a
17 political subdivision, including but not limited to civil and
18 criminal court proceedings, grand jury proceedings, proceedings
19 before a magistrate, juvenile proceedings, adoption proceedings,
20 mental health commitment proceedings, and any proceeding in which a
21 hearing impaired person may be subject to confinement or criminal
22 sanction, the appointing authority shall appoint and pay for a
23 qualified interpreter to interpret the proceedings.

24 (2) If the parent, guardian, or custodian of a juvenile brought
25 before a court is hearing impaired, the appointing authority shall
26 appoint and pay for a qualified interpreter to interpret the
27 proceedings.

28 ~~(3) ((If a hearing impaired person participates in a program or~~
29 ~~activity ordered by a court as part of the sentence or order of~~
30 ~~disposition, required as part of a diversion agreement or deferred~~
31 ~~prosecution program, or required as a condition of probation or~~
32 ~~parole, the appointing authority shall appoint and pay for a~~
33 ~~qualified interpreter to interpret exchange of information during the~~
34 ~~program or activity.~~

35 ~~(4) If a law enforcement agency conducts a criminal investigation~~
36 ~~involving the interviewing of a hearing impaired person, whether as a~~
37 ~~victim, witness, or suspect, the appointing authority shall appoint~~

1 and pay for a qualified interpreter throughout the investigation.
2 Whenever a law enforcement agency conducts a criminal investigation
3 involving the interviewing of a minor child whose parent, guardian,
4 or custodian is hearing impaired, whether as a victim, witness, or
5 suspect, the appointing authority shall appoint and pay for a
6 qualified interpreter throughout the investigation. No employee of
7 the law enforcement agency who has responsibilities other than
8 interpreting may be appointed as the qualified interpreter.

9 ~~(5)~~ If a hearing impaired person is arrested for an alleged
10 violation of a criminal law the arresting officer or the officer's
11 supervisor shall, at the earliest possible time, procure and arrange
12 payment for a qualified interpreter for any notification of rights,
13 warning, interrogation, or taking of a statement. No employee of the
14 law enforcement agency who has responsibilities other than
15 interpreting may be appointed as the qualified interpreter.

16 ~~(6))~~ Where it is the policy and practice of a court of this
17 state or of a political subdivision to appoint and pay counsel for
18 persons who are indigent, the appointing authority shall appoint and
19 pay for a qualified interpreter for hearing impaired persons to
20 facilitate communication with counsel in all phases of the
21 preparation and presentation of the case.

22 ~~((7))~~ (4) Subject to the availability of funds specifically
23 appropriated therefor, the administrative office of the courts shall
24 reimburse the appointing authority for up to one-half of the payment
25 to the interpreter where a qualified interpreter is appointed for a
26 hearing impaired person by a judicial officer in a proceeding before
27 a court under subsection (1) ~~((7))~~ or (2) ~~((7 or (3))~~) of this section
28 in compliance with the provisions of RCW 2.42.130 and 2.42.170.

--- END ---

SENATE BILL 5836

State of Washington

68th Legislature

2024 Regular Session

By Senators L. Wilson, Cleveland, Dhingra, Frame, Mullet, Padden, and Rivers; by request of Administrative Office of the Courts

Prefiled 12/12/23. Read first time 01/08/24. Referred to Committee on Law & Justice.

1 AN ACT Relating to adding an additional superior court judge in
2 Clark county; and amending RCW 2.08.062.

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

4 **Sec. 1.** RCW 2.08.062 and 2020 c 53 s 1 are each amended to read
5 as follows:

6 There shall be in the county of Chelan four judges of the
7 superior court; in the county of Douglas one judge of the superior
8 court; in the county of Clark (~~eleven~~) 12 judges of the superior
9 court; in the county of Grays Harbor three judges of the superior
10 court; in the county of Kitsap eight judges of the superior court; in
11 the county of Kittitas two judges of the superior court; in the
12 county of Lewis three judges of the superior court.

--- END ---

SUBSTITUTE HOUSE BILL 2056

State of Washington

68th Legislature

2024 Regular Session

By House Civil Rights & Judiciary (originally sponsored by Representatives Goodman, Cheney, and Reeves; by request of Administrative Office of the Courts)

1 AN ACT Relating to information sharing and limited investigative
2 authority of supreme court bailiffs; amending RCW 10.97.050; and
3 adding a new section to chapter 2.04 RCW.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 2.04 RCW
6 to read as follows:

7 (1) Bailiffs of the supreme court are authorized to conduct
8 threat assessments on behalf of supreme court justices. The supreme
9 court shall ensure that supreme court bailiffs are qualified by
10 training and experience.

11 (2) Bailiffs of the supreme court are authorized to receive
12 criminal history record information that includes nonconviction data
13 for any purpose associated with the investigation of any person
14 making a threat as defined in RCW 9A.04.110 against a supreme court
15 justice. Dissemination or use of criminal history records or
16 nonconviction data for purposes other than authorized in this section
17 is prohibited.

18 (3) Founded threats investigated under this section must be
19 referred to local law enforcement for further action. Local law
20 enforcement is authorized to report the outcome and any anticipated
21 action to bailiffs of the supreme court.

1 **Sec. 2.** RCW 10.97.050 and 2023 c 26 s 1 are each amended to read
2 as follows:

3 (1) Conviction records may be disseminated without restriction.

4 (2) Any criminal history record information which pertains to an
5 incident that occurred within the last twelve months for which a
6 person is currently being processed by the criminal justice system,
7 including the entire period of correctional supervision extending
8 through final discharge from parole, when applicable, may be
9 disseminated without restriction.

10 (3) Criminal history record information which includes
11 nonconviction data may be disseminated by a criminal justice agency
12 to another criminal justice agency for any purpose associated with
13 the administration of criminal justice, or in connection with the
14 employment of the subject of the record by a criminal justice or
15 juvenile justice agency, except as provided under RCW 13.50.260. A
16 criminal justice agency may respond to any inquiry from another
17 criminal justice agency without any obligation to ascertain the
18 purpose for which the information is to be used by the agency making
19 the inquiry.

20 (4) Criminal history record information which includes
21 nonconviction data may be disseminated by a criminal justice agency
22 to implement a statute, ordinance, executive order, or a court rule,
23 decision, or order which expressly refers to records of arrest,
24 charges, or allegations of criminal conduct or other nonconviction
25 data and authorizes or directs that it be available or accessible for
26 a specific purpose.

27 (5) Criminal history record information which includes
28 nonconviction data may be disseminated to individuals and agencies
29 pursuant to a contract with a criminal justice agency to provide
30 services related to the administration of criminal justice. Such
31 contract must specifically authorize access to criminal history
32 record information, but need not specifically state that access to
33 nonconviction data is included. The agreement must limit the use of
34 the criminal history record information to stated purposes and insure
35 the confidentiality and security of the information consistent with
36 state law and any applicable federal statutes and regulations.

37 (6) Criminal history record information which includes
38 nonconviction data may be disseminated to individuals and agencies
39 for the express purpose of research, evaluative, or statistical
40 activities pursuant to an agreement with a criminal justice agency.

1 Such agreement must authorize the access to nonconviction data, limit
2 the use of that information which identifies specific individuals to
3 research, evaluative, or statistical purposes, and contain provisions
4 giving notice to the person or organization to which the records are
5 disseminated that the use of information obtained therefrom and
6 further dissemination of such information are subject to the
7 provisions of this chapter and applicable federal statutes and
8 regulations, which shall be cited with express reference to the
9 penalties provided for a violation thereof.

10 (7) Criminal history record information that includes
11 nonconviction data may be disseminated to the state auditor solely
12 for the express purpose of conducting a process compliance audit
13 procedure and review of any deadly force investigation pursuant to
14 RCW 43.101.460. Dissemination or use of nonconviction data for
15 purposes other than authorized in this subsection is prohibited.

16 (8) Criminal history record information that includes
17 nonconviction data may be disseminated to bailiffs of the supreme
18 court solely for the express purpose of investigations under section
19 1 of this act. Dissemination or use of nonconviction data for
20 purposes other than authorized in this subsection is prohibited.

21 (9) Every criminal justice agency that maintains and disseminates
22 criminal history record information must maintain information
23 pertaining to every dissemination of criminal history record
24 information except a dissemination to the effect that the agency has
25 no record concerning an individual. Information pertaining to
26 disseminations shall include:

27 (a) An indication of to whom (agency or person) criminal history
28 record information was disseminated;

29 (b) The date on which the information was disseminated;

30 (c) The individual to whom the information relates; and

31 (d) A brief description of the information disseminated.

32 The information pertaining to dissemination required to be
33 maintained shall be retained for a period of not less than one year.

34 ~~((9))~~ (10) In addition to the other provisions in this section
35 allowing dissemination of criminal history record information, RCW
36 4.24.550 governs dissemination of information concerning offenders
37 who commit sex offenses as defined by RCW 9.94A.030. Criminal justice
38 agencies, their employees, and officials shall be immune from civil

1 liability for dissemination on criminal history record information
2 concerning sex offenders as provided in RCW 4.24.550.

--- **END** ---