

Chapter 43.10 RCW
ATTORNEY GENERAL

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*Liability coverage of university personnel and students, approval of
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Militia and military affairs

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*Motor vehicle dealers' licenses, attorney general to approve
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Natural resources department, counsel for: RCW 78.52.035.

Oath of office: RCW 43.01.020, 43.10.010.

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Poisons, enforcement of law relating to: RCW 69.40.025.

Puget Sound ferry and toll bridge system, attorney general's powers and duties relating to: Chapter 47.60 RCW.

Railroad employees' sanitation and shelter requirements, enforcement by: RCW 81.04.405.

Real estate brokers and salespersons' licensing, to act as legal advisor: RCW 18.85.420.

Records, keeping of: State Constitution Art. 3 s 24; RCW 43.10.030.

Records committee, to appoint a member of: RCW 40.14.050.

Removal from office, grounds: State Constitution Art. 4 s 9.

Salary, amount of: State Constitution Art. 28 s 1; RCW 43.03.010.

Schools and school districts, supervision of prosecuting attorney: RCW 36.27.020.

Securities act violations referred to: RCW 21.20.410.

Social and health services department, representation, hospital regulation: RCW 70.41.160.

State board for volunteer firefighters and reserve officers, to advise: RCW 41.24.280.

State board of health, representation, hospital regulation: RCW 70.41.160.

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petition for order upon husband to provide support, attorney general may apply for, when: RCW 74.20.230.

Term of office: State Constitution Art. 3 s 3; RCW 43.01.010.

Term papers, theses, dissertations, sale of prohibited, attorney general participation: RCW 28B.10.584.

Tort claims against state, authority to settle, compromise and stipulate for judgment: RCW 4.92.150.

Transfer of highway lands to United States, municipal subdivision or public utility, attorney general to adjudge if in public interest and certify: RCW 47.12.080.

Unemployment compensation, representation of department: RCW 50.12.150.

*Unfair business practices act
assurance of discontinuance of practices, acceptance by: RCW 19.86.100.
restraint of prohibited acts, action by: RCW 19.86.080.*

*Utilities and transportation commission
compliance with law by persons or corporations regulated,
duty to enforce: RCW 80.01.100, 80.04.510.
duty to represent: RCW 80.01.100, 80.04.510.*

Vehicle wreckers' licensing, surety bonds accompanying application to be approved by: RCW 46.80.070.

Washington habitual traffic offenders act, attorney general's duties: Chapter 46.65 RCW.

RCW 43.10.005 Workplace pregnancy accommodations—Unfair practices—Definitions. (Effective until January 1, 2027.) (1) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Employer" has the same meaning as and shall be interpreted consistent with how that term is defined in RCW 49.60.040, except that for the purposes of this section only the threshold of employees must be fifteen or more.

(b) "Pregnancy" includes the employee's pregnancy and pregnancy-related health conditions, including the need to express breast milk.

(c) "Reasonable accommodation" means:

(i) Providing more frequent, longer, or flexible restroom breaks;

(ii) Modifying a no food or drink policy;

(iii) Job restructuring, part-time or modified work schedules, reassignment to a vacant position, or acquiring or modifying equipment, devices, or an employee's work station;

(iv) Providing seating or allowing the employee to sit more frequently if her job requires her to stand;

(v) Providing for a temporary transfer to a less strenuous or less hazardous position;

(vi) Providing assistance with manual labor and limits on lifting;

(vii) Scheduling flexibility for prenatal visits;

(viii) Providing reasonable break time for an employee to express breast milk for two years after the child's birth each time the employee has need to express the milk and providing a private

location, other than a bathroom, if such a location exists at the place of business or worksite, which may be used by the employee to express breast milk. If the business location does not have a space for the employee to express milk, the employer shall work with the employee to identify a convenient location and work schedule to accommodate their needs; and

(ix) Any further pregnancy accommodation an employee may request, and to which an employer must give reasonable consideration in consultation with information provided on pregnancy accommodation by the department of labor and industries or the attending health care provider of the employee.

(d) "Undue hardship" means an action requiring significant difficulty or expense. An employer may not claim undue hardship for the accommodations under (c)(i), (ii), and (iv) of this subsection, or for limits on lifting over seventeen pounds.

(2) It is an unfair practice for any employer to:

(a) Fail or refuse to make reasonable accommodation for an employee for pregnancy, unless the employer can demonstrate that doing so would impose an undue hardship on the employer's program, enterprise, or business;

(b) Take adverse action against an employee who requests, declines, or uses an accommodation under this section that affects the terms, conditions, or privileges of employment;

(c) Deny employment opportunities to an otherwise qualified employee if such denial is based on the employer's need to make reasonable accommodation required by this section;

(d) Require an employee to take leave if another reasonable accommodation can be provided for the employee's pregnancy.

(3) An employer may request that the employee provide written certification from her treating health care professional regarding the need for reasonable accommodation, except for accommodations listed in subsection (1)(c)(viii) and (d) of this section.

(4)(a) This section does not require an employer to create additional employment that the employer would not otherwise have created, unless the employer does so or would do so for other classes of employees who need accommodation.

(b) This section does not require an employer to discharge any employee, transfer any employee with more seniority, or promote any employee who is not qualified to perform the job, unless the employer does so or would do so to accommodate other classes of employees who need accommodation.

(5) The department of labor and industries must provide online education materials explaining the respective rights and responsibilities of employers and employees who have a health condition related to pregnancy or childbirth. The online education materials must be prominently displayed on the department's website.

(6) The attorney general shall investigate complaints and enforce this section, including by conference and conciliation. In addition to the complaint process with the attorney general, any person believed to be injured by a violation of this section has a civil cause of action in court to enjoin further violations, or to recover the actual damages sustained by the person, or both, together with the cost of suit and reasonable attorneys' fees or any other appropriate remedy authorized by state or federal law.

(7) This section does not preempt, limit, diminish, or otherwise affect any other provision of law relating to sex discrimination or pregnancy, or in any way diminish or limit legal protections or

coverage for pregnancy, childbirth, or a pregnancy-related health condition. [2020 c 111 s 1; 2019 c 134 s 1; 2017 c 294 s 3.]

Findings—2017 c 294: See note following RCW 74.09.475.

RCW 43.10.010 Qualifications—Oath—Bond. No person shall be eligible to be attorney general unless he or she is a qualified practitioner of the supreme court of this state.

Before entering upon the duties of his or her office, any person elected or appointed attorney general shall take, subscribe, and file the oath of office as required by law; take, subscribe, and file with the secretary of state an oath to comply with the provisions of RCW 43.10.115; and execute and file with the secretary of state, a bond to the state, in the sum of five thousand dollars, with sureties to be approved by the governor, conditioned for the faithful performance of his or her duties and the paying over of all moneys, as provided by law. [2009 c 549 s 5046; 1973 c 43 s 1; 1965 c 8 s 43.10.010. Prior: 1929 c 92 s 1, part; RRS s 11030, part; prior: 1921 c 119 s 1; 1888 p 7 s 4.]

Severability—1973 c 43: "If any provision of this 1973 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected." [1973 c 43 s 6.]

RCW 43.10.020 Additional bond—Penalty for failure to furnish. If the governor deems any bond filed by the attorney general insufficient, he or she may require an additional bond for any amount not exceeding five thousand dollars.

If any attorney general fails to give such additional bond as required by the governor within twenty days after notice in writing of such requirement, his or her office may be declared vacant by the governor and filled as provided by law. [2009 c 549 s 5047; 1965 c 8 s 43.10.020. Prior: (i) 1929 c 92 s 1, part; RRS s 11030, part. (ii) 1929 c 92 s 2; RRS s 11031; prior: 1921 c 119 s 1; 1888 p 7 ss 4, 5.]

RCW 43.10.030 General powers and duties. The attorney general shall:

- (1) Appear for and represent the state before the supreme court or the court of appeals in all cases in which the state is interested;
- (2) Institute and prosecute all actions and proceedings for, or for the use of the state, which may be necessary in the execution of the duties of any state officer;
- (3) Defend all actions and proceedings against any state officer or employee acting in his or her official capacity, in any of the courts of this state or the United States;
- (4) Consult with and advise the several prosecuting attorneys in matters relating to the duties of their office, and when the interests of the state require, he or she shall attend the trial of any person accused of a crime, and assist in the prosecution;
- (5) Consult with and advise the governor, members of the legislature, and other state officers, and when requested, give

written opinions upon all constitutional or legal questions relating to the duties of such officers;

(6) Prepare proper drafts of contracts and other instruments relating to subjects in which the state is interested;

(7) Give written opinions, when requested by either branch of the legislature, or any committee thereof, upon constitutional or legal questions;

(8) Enforce the proper application of funds appropriated for the public institutions of the state, and prosecute corporations for failure or refusal to make the reports required by law;

(9) Keep in proper books a record of all cases prosecuted or defended by him or her, on behalf of the state or its officers, and of all proceedings had in relation thereto, and deliver the same to his or her successor in office;

(10) Keep books in which he or she shall record all the official opinions given by him or her during his or her term of office, and deliver the same to his or her successor in office;

(11) Pay into the state treasury all moneys received by him or her for the use of the state. [2009 c 549 s 5048; 1975 c 40 s 5; 1971 c 81 s 109; 1965 c 8 s 43.10.030. Prior: (i) 1929 c 92 s 3; RRS s 112. (ii) 1929 c 92 s 4; RRS s 11032; prior: 1891 c 55 s 2; 1888 p 8 s 6.]

RCW 43.10.035 Prosecutions for official delinquencies in the assessment, collection and payment of revenue; failure to pay over or deliver public money or property; and against all debtors of the state. Upon receipt of information from the state auditor as provided in *RCW 43.09.050(3) as now or hereafter amended, the attorney general shall direct prosecutions in the name of the state for all official delinquencies in relation to the assessment, collection, and payment of the revenue, against all persons who, by any means, become possessed of public money or property, and fail to pay over or deliver the same, and against all debtors of the state. [1977 ex.s. c 144 s 9.]

***Reviser's note:** RCW 43.09.050 was amended by 1992 c 118 s 6, changing subsection (3) to subsection (4).

RCW 43.10.040 Representation of boards, commissions and agencies. The attorney general shall also represent the state and all officials, departments, boards, commissions and agencies of the state in the courts, and before all administrative tribunals or bodies of any nature, in all legal or quasi legal matters, hearings, or proceedings, and advise all officials, departments, boards, commissions, or agencies of the state in all matters involving legal or quasi legal questions, except those declared by law to be the duty of the prosecuting attorney of any county. [1965 c 8 s 43.10.040. Prior: 1941 c 50 s 1, part; Rem. Supp. 1941 s 11034-3, part.]

RCW 43.10.045 Retention of counsel by legislature—Notice—Representation in absence of notice. The legislature may employ or retain counsel of its own choosing. However, the legislature shall notify the attorney general whenever it makes a decision to use the services of such counsel to represent it or any of its members in a particular judicial or administrative proceeding. With respect to any

such proceeding where the legislature has not so notified the attorney general, the attorney general shall represent the legislature until so notified. For purposes of this section, "legislature" means the senate and house of representatives together. The major purposes of this section are to confirm and implement in statute law the constitutional power of the legislative branch to select its own counsel. [1986 c 323 s 1.]

RCW 43.10.050 Authority to execute appeal and other bonds. The attorney general may execute, on behalf of the state, any appeal or other bond required to be given by the state in any judicial proceeding to which it is a party in any court, and procure sureties thereon. [1965 c 8 s 43.10.050. Prior: 1929 c 92 s 6; RRS s 11034; prior: 1905 c 99 s 1.]

RCW 43.10.060 Appointment and authority of assistants. The attorney general may appoint necessary assistants who shall have the power to perform any act which the attorney general is authorized by law to perform. Subject to any collective bargaining agreement, assistants shall hold office at the attorney general's pleasure. [2019 c 145 s 6; 2009 c 549 s 5049; 1965 c 8 s 43.10.060. Prior: 1929 c 92 s 7, part; RRS s 11034-1, part.]

Findings—Intent—2019 c 145: See note following RCW 41.80.400.

RCW 43.10.065 Employment of attorneys and employees to transact state's legal business. The attorney general may employ or discharge attorneys and employees to transact for the state, its departments, officials, boards, commissions, and agencies, all business of a legal or quasi legal nature, except those declared by law to be the duty of the judge of any court, or the prosecuting attorney of any county. [1965 c 8 s 43.10.065. Prior: 1941 c 50 s 1, part; Rem. Supp. 1941 s 11034-3, part. Formerly RCW 43.10.060, part.]

RCW 43.10.067 Employment of attorneys by others restricted. No officer, director, administrative agency, board, or commission of the state, other than the attorney general, shall employ, appoint or retain in employment any attorney for any administrative body, department, commission, agency, or tribunal or any other person to act as attorney in any legal or quasi legal capacity in the exercise of any of the powers or performance of any of the duties specified by law to be performed by the attorney general, except where it is provided by law to be the duty of the judge of any court or the prosecuting attorney of any county to employ or appoint such persons: PROVIDED, That RCW 43.10.040, and 43.10.065 through 43.10.080 shall not apply to the administration of the commission on judicial conduct, the state law library, the law school of the state university, the administration of the state bar act by the Washington State Bar Association, or the representation of an estate administered by the director of the department of revenue or the director's designee pursuant to chapter 11.28 RCW.

The authority granted by chapter 1.08 RCW, RCW 44.28.065, and 47.01.061 shall not be affected hereby. [1997 c 41 s 9. Prior: 1987 c 364 s 1; 1987 c 186 s 7; prior: 1985 c 133 s 2; 1985 c 7 s 108; 1981 c 268 s 1; 1965 c 8 s 43.10.067; prior: (i) 1941 c 50 s 2; Rem. Supp. 1941 s 11034-4. (ii) 1941 c 50 s 4; Rem. Supp. 1941 s 11034-6. Formerly RCW 43.01.080.]

RCW 43.10.070 Compensation of assistants, attorneys, and employees. Subject to any collective bargaining agreement, the attorney general shall fix the compensation of all assistants, attorneys, and employees, and in the event they are assigned to any department, board, or commission, such department, board, or commission shall pay the compensation as fixed by the attorney general, not however in excess of the amount made available to the department by law for legal services. [2019 c 145 s 5; 1965 c 8 s 43.10.070. Prior: 1941 c 50 s 1, part; Rem. Supp. 1941 s 11034-3, part.]

Findings—Intent—2019 c 145: See note following RCW 41.80.400.

RCW 43.10.080 Employment of experts, technicians. The attorney general may employ such skilled experts, scientists, technicians, or other specially qualified persons as he or she deems necessary to aid him or her in the preparation or trial of actions or proceedings. [2009 c 549 s 5050; 1965 c 8 s 43.10.080. Prior: 1941 c 50 s 3; Rem. Supp. 1941 s 11034-5.]

RCW 43.10.090 Criminal investigations—Supervision. Upon the written request of the governor, the attorney general shall investigate violations of the criminal laws within this state.

If, after such investigation, the attorney general believes that the criminal laws are improperly enforced in any county, and that the prosecuting attorney of the county has failed or neglected to institute and prosecute violations of such criminal laws, either generally or with regard to a specific offense or class of offenses, the attorney general shall direct the prosecuting attorney to take such action in connection with any prosecution as the attorney general determines to be necessary and proper.

If any prosecuting attorney, after the receipt of such instructions from the attorney general, fails or neglects to comply therewith within a reasonable time, the attorney general may initiate and prosecute such criminal actions as he or she shall determine. In connection therewith, the attorney general shall have the same powers as would otherwise be vested in the prosecuting attorney.

From the time the attorney general has initiated or taken over a criminal prosecution, the prosecuting attorney shall not have power or authority to take any legal steps relating to such prosecution, except as authorized or directed by the attorney general. [2009 c 549 s 5051; 1965 c 8 s 43.10.090. Prior: 1937 c 88 s 1; RRS s 112-1.]

Corporations, governor may require attorney general to investigate:
RCW 43.06.010.

*Prosecuting attorneys, governor may require attorney general to aid:
RCW 43.06.010.*

RCW 43.10.095 Homicide investigative tracking system—Supervision management and recidivist tracking (SMART) system. (1) There is created, as a component of the homicide investigative tracking system, a supervision management and recidivist tracking system called the SMART system. The office of the attorney general may contract with any state, local, or private agency necessary for implementation of and training for supervision management and recidivist tracking program partnerships for development and operation of a statewide computer linkage between the attorney general's homicide investigative tracking system, local police departments, and the state department of corrections. Dormant information in the supervision management and recidivist tracking system shall be automatically archived after seven years. The department of corrections shall notify the attorney general when each person is no longer under its supervision.

(2) As used in this section, unless the context requires otherwise:

(a) "Dormant" means there have been no inquiries by the department of corrections or law enforcement with regard to an active supervision case or an active criminal investigation in the past seven years.

(b) "Archived" means information which is not in the active database and can only be retrieved for use in an active criminal investigation. [1998 c 223 s 2.]

Finding—1998 c 223: "The legislature finds that increased communications between local law enforcement officers and the state department of corrections' community corrections officers improves public safety through shared monitoring and supervision of offenders living in the community under the jurisdiction of the department of corrections.

Participating local law enforcement agencies and the local offices of the department of corrections have implemented the supervision management and recidivist tracking program, whereby each entity provides mutual assistance in supervising offenders living within the boundaries of local law enforcement agencies. The supervision management and recidivist tracking program has helped local law enforcement solve crimes faster or prevented future criminal activity by reporting offender's sentence violations in a more timely manner to community corrections officers by rapid and comprehensive electronic sharing of information regarding supervised offenders. The expansion of the supervision management and recidivist tracking program will improve public safety throughout the state." [1998 c 223 s 1.]

RCW 43.10.097 Homicide investigative tracking system—Purpose limited. The homicide investigative tracking system and the supervision management and recidivist tracking system are tools for the administration of criminal justice and these systems may not be used for any other purpose. [1998 c 223 s 3.]

Finding—1998 c 223: See note following RCW 43.10.095.

RCW 43.10.101 Report to transportation entities—Tort claims.

The attorney general shall prepare annually a report to the transportation committees of the legislature, the governor, the department of transportation, and the transportation commission comprising a comprehensive summary of all cases involving tort claims against the department of transportation involving highways which were concluded and closed in the previous calendar year. The report shall include for each case closed:

- (1) A summary of the factual background of the case;
- (2) Identification of the attorneys representing the state and the opposing parties;
- (3) A synopsis of the legal theories asserted and the defenses presented;
- (4) Whether the case was tried, settled, or dismissed, and in whose favor;
- (5) The approximate number of attorney hours expended by the state on the case, together with the corresponding dollar amount billed therefore; and
- (6) Such other matters relating to the case as the attorney general deems relevant or appropriate, especially including any comments or recommendations for changes in statute law or agency practice that might effectively reduce the exposure of the state to such tort claims. [2006 c 334 s 14; 2005 c 319 s 104; 1995 2nd sp.s. c 14 s 527.]

Effective date—2006 c 334: See note following RCW 47.01.051.

Findings—Intent—Part headings—Effective dates—2005 c 319: See notes following RCW 43.17.020.

Effective dates—1995 2nd sp.s. c 14: See note following RCW 43.19.1919.

Severability—1995 2nd sp.s. c 14: See note following RCW 43.19.1919.

RCW 43.10.110 Other powers and duties. The attorney general shall have the power and it shall be his or her duty to perform any other duties that are, or may from time to time be required of him or her by law. [2009 c 549 s 5052; 1965 c 8 s 43.10.110. Prior: 1929 c 92 s 8; RRS s 11034-2.]

RCW 43.10.115 Private practice of law—Attorney general—Prohibited. The attorney general shall not practice law for remuneration in his or her private capacity:

- (1) As an attorney in any court of this state during his or her continuance in office; or
- (2) As adviser or advocate for any person who may wish to become his or her client. [2009 c 549 s 5053; 1973 c 43 s 2.]

Severability—1973 c 43: See note following RCW 43.10.010.

RCW 43.10.120 Private practice of law—Deputies and assistants—Prohibited. No full time deputy or assistant attorney general shall practice law for remuneration in his or her private capacity:

(1) As an attorney in any court of this state during his or her continuance in office; or

(2) As adviser or advocate for any person who may wish to become his or her client. [2009 c 549 s 5054; 1973 c 43 s 3.]

Severability—1973 c 43: See note following RCW 43.10.010.

RCW 43.10.125 Private practice of law—Special assistant attorney generals. Special assistant attorney generals [attorneys general] employed on less than a full time basis to transact business of a legal or quasi legal nature for the state, such assistants and attorneys may practice law in their private capacity as attorney. [1973 c 43 s 4.]

Severability—1973 c 43: See note following RCW 43.10.010.

RCW 43.10.130 Private practice of law—Exceptions. None of the provisions of RCW 43.10.010 and 43.10.115 through 43.10.125 shall be construed as prohibiting the attorney general or any of his or her full time deputies or assistants from:

(1) Performing legal services for himself or herself or his or her immediate family; or

(2) Performing legal services of a charitable nature. [2009 c 549 s 5055; 1973 c 43 s 5.]

Severability—1973 c 43: See note following RCW 43.10.010.

RCW 43.10.150 Legal services revolving fund—Created—Purpose. A legal services revolving fund is hereby created in the state treasury for the purpose of a centralized funding, accounting, and distribution of the actual costs of the legal services provided to agencies of the state government by the attorney general. During the 2013-2015 fiscal biennium, the legislature may transfer from the legal services revolving account to the state general fund such amounts as reflect the excess fund balance of the account. [2013 2nd sp.s. c 4 s 975; 1974 ex.s. c 146 s 1; 1971 ex.s. c 71 s 1.]

Effective dates—2013 2nd sp.s. c 4: See note following RCW 2.68.020.

Effective date—1974 ex.s. c 146: "This act shall take effect on July 1, 1974 for costs, billings and charges affecting the 1975 fiscal year and subsequent biennia." [1974 ex.s. c 146 s 5.]

Legal services revolving fund—Approval of certain changes required:
RCW 43.88.350.

RCW 43.10.160 Legal services revolving fund—Transfers and payments into fund—Allotments to attorney general. The amounts to be

disbursed from the legal services revolving fund from time to time shall be transferred thereto by the state treasurer from funds appropriated to any and all agencies for legal services or administrative expenses on a quarterly basis. Agencies operating in whole or in part from nonappropriated funds shall pay into the legal services revolving fund such funds as will fully reimburse funds appropriated to the attorney general for any legal services provided activities financed by nonappropriated funds.

The director of financial management shall allot all such funds to the attorney general for the operation of his or her office, pursuant to appropriation, in the same manner as appropriated funds are allocated to other agencies headed by elected officers under chapter 43.88 RCW. [2009 c 549 s 5056; 1979 c 151 s 94; 1974 ex.s. c 146 s 2; 1971 ex.s. c 71 s 2.]

Effective date—1974 ex.s. c 146: See note following RCW 43.10.150.

RCW 43.10.170 Legal services revolving fund—Disbursements.

Disbursements from the legal services revolving fund shall be pursuant to vouchers executed by the attorney general or his or her designee in accordance with the provisions of RCW 43.88.160. [2009 c 549 s 5057; 1971 ex.s. c 71 s 3.]

RCW 43.10.180 Legal services revolving fund—Allocation of costs to funds and agencies—Accounting—Billing. (1) The attorney general shall keep such records as are necessary to facilitate proper allocation of costs to funds and agencies served and the director of financial management shall prescribe appropriate accounting procedures to accurately allocate costs to funds and agencies served. Billings shall be adjusted in line with actual costs incurred at intervals not to exceed six months.

(2) During the 2009-2011 fiscal biennium, all expenses for administration of the office of the attorney general shall be allocated to and paid from the legal services revolving fund in accordance with accounting procedures prescribed by the director of financial management. [2009 c 564 s 930; 2007 c 522 s 951; 2005 c 518 s 927; 2003 1st sp.s. c 25 s 917; 1979 c 151 s 95; 1974 ex.s. c 146 s 3; 1971 ex.s. c 71 s 4.]

Effective date—2009 c 564: See note following RCW 2.68.020.

Severability—Effective date—2007 c 522: See notes following RCW 15.64.050.

Effective date—2005 c 518: See note following RCW 28A.600.110.

Severability—Effective date—2003 1st sp.s. c 25: See notes following RCW 19.28.351.

Effective date—1974 ex.s. c 146: See note following RCW 43.10.150.

RCW 43.10.190 Legal services revolving fund—Direct payments from agencies. In cases where there are unanticipated demands for legal services or where there are insufficient funds on hand or available for payment through the legal services revolving fund or in other cases of necessity, the attorney general may request payment for legal services directly from agencies for whom the services are performed to the extent that revenues or other funds are available. Upon approval by the director of financial management the agency shall make the requested payment. The payment may be made on either an advance or reimbursable basis as approved by the director of financial management. [1979 c 151 s 96; 1971 ex.s. c 71 s 5.]

RCW 43.10.200 Legal services revolving fund—Recovered court costs, fees and expenses—Deposit in fund—Expenditure. Court costs, attorneys' fees, and other expenses recovered by the attorney general shall be deposited in the legal services revolving fund and shall be considered as returned loans of materials supplied or services rendered. Such amounts may be expended in the same manner and under the same conditions and restrictions as set forth in section 11, chapter 282, Laws of 1969 ex. sess. [1971 ex.s. c 71 s 6.]

RCW 43.10.210 Antitrust revolving fund—Legislative finding and purpose. The legislature having found that antitrust laws and the enforcement thereof are necessary for the protection of consumers and businesses, and further that the creation of an antitrust revolving fund provides a reasonable means of funding antitrust actions by the attorney general, and that the existence of such a fund increases the possibility of obtaining funding from other sources, now therefore creates the antitrust revolving fund. [1974 ex.s. c 162 s 1.]

RCW 43.10.215 Antitrust revolving fund—Created—Contents. There is hereby created the antitrust revolving fund in the custody of the state treasurer which shall consist of: Funds appropriated to the revolving fund, funds transferred to the revolving fund pursuant to a court order or judgment in an antitrust action; gifts or grants made to the revolving fund; and funds awarded to the state or any agency thereof for the recovery of costs and attorney fees in an antitrust action: PROVIDED HOWEVER, That to the extent that such costs constitute reimbursement for expenses directly paid from constitutionally dedicated funds, such recoveries shall be transferred to the constitutionally dedicated fund. [1974 ex.s. c 162 s 2.]

RCW 43.10.220 Antitrust revolving fund—Expenditures. The attorney general is authorized to expend from the antitrust revolving fund, created by RCW 43.10.210 through 43.10.220, such funds as are necessary for the payment of costs, expenses and charges incurred in the preparation, institution and maintenance of antitrust actions under the state and federal antitrust acts. During the 2015-2017 fiscal biennium, the attorney general may expend from the antitrust revolving fund for the purposes of the consumer protection activities of the office. [2016 sp.s. c 36 s 926; 2002 c 371 s 907; 1999 c 309 s 916; 1974 ex.s. c 162 s 3.]

Effective date—2016 sp.s. c 36: See note following RCW 18.20.430.

Severability—Effective date—2002 c 371: See notes following RCW 9.46.100.

Severability—Effective date—1999 c 309: See notes following RCW 41.06.152.

RCW 43.10.230 Purpose. The purpose of RCW 43.10.232 is to grant authority to the attorney general concurrent with the county prosecuting attorneys to investigate and prosecute crimes. The purpose of *RCW 43.10.234 is to insure access by the attorney general to the procedural powers of the various prosecuting attorneys in exercising criminal prosecutorial authority granted in RCW 43.10.232 or otherwise granted by the legislature. [1981 c 335 s 1.]

***Reviser's note:** The reference to RCW 43.10.234 appears to be erroneous. RCW 10.01.190 was apparently intended.

RCW 43.10.232 Concurrent authority to investigate crimes and initiate and conduct prosecutions—Payment of costs. (1) The attorney general shall have concurrent authority and power with the prosecuting attorneys to investigate crimes and initiate and conduct prosecutions upon the request of or with the concurrence of any of the following:

- (a) The county prosecuting attorney of the jurisdiction in which the offense has occurred;
- (b) The governor of the state of Washington; or
- (c) A majority of the committee charged with the oversight of the organized crime intelligence unit.

(2) Such request or concurrence shall be communicated in writing to the attorney general.

(3) Prior to any prosecution by the attorney general under this section, the attorney general and the county in which the offense occurred shall reach an agreement regarding the payment of all costs, including expert witness fees, and defense attorneys' fees associated with any such prosecution. [1986 c 257 s 16; 1981 c 335 s 2.]

Severability—1986 c 257: See note following RCW 9A.56.010.

RCW 43.10.234 Determination of prosecuting authority if defendant charged by attorney general and prosecuting attorney. If both a prosecuting attorney and the attorney general file an information or indictment charging a defendant with substantially the same offense(s), the court shall, upon motion of either the prosecuting attorney or the attorney general:

(1) Determine whose prosecution of the case will best promote the interests of justice and enter an order designating that person as the prosecuting authority in the case; and

(2) Enter an order dismissing the information or indictment filed by the person who was not designated the prosecuting authority. [1981 c 335 s 3.]

RCW 43.10.240 Investigative and criminal prosecution activity—Annual report—Security protection. The attorney general shall annually report to the chief of the Washington state patrol a summary of the attorney general's investigative and criminal prosecution activity conducted pursuant to this chapter. Except to the extent the summary describes information that is a matter of public record, the information made available to the chief of the Washington state patrol shall be given all necessary security protection in accordance with the terms and provisions of applicable laws and rules and shall not be revealed or divulged publicly or privately. [2009 c 560 s 26; 1985 c 251 s 1.]

Intent—Effective date—Disposition of property and funds—Assignment/delegation of contractual rights or duties—2009 c 560: See notes following RCW 18.06.080.

RCW 43.10.250 Appellate review of criminal case. Upon request of a prosecuting attorney, the attorney general may assume responsibility for the appellate review of a criminal case or assist the prosecuting attorney in the appellate review if the attorney general finds that the case involves fundamental issues affecting the public interest and the administration of criminal justice in this state. [1985 c 251 s 2.]

RCW 43.10.260 Criminal profiteering—Assistance to local officials. The attorney general may: (1) Assist local law enforcement officials in the development of cases arising under the criminal profiteering laws with special emphasis on narcotics related cases; (2) assist local prosecutors in the litigation of criminal profiteering or drug asset forfeiture cases, or, at the request of a prosecutor's office, litigate such cases on its behalf; and (3) conduct seminars and training sessions on prosecution of criminal profiteering cases and drug asset forfeiture cases. [1991 c 345 s 2.]

Findings—1991 c 345: "The legislature finds that drug asset forfeiture and criminal profiteering laws allow law enforcement officials and the courts to strip drug dealers and other successful criminals of the wealth they have acquired from their crimes and the assets they have used to facilitate those crimes. These laws are rarely used by prosecutors, however, because of the difficulty in identifying profiteering and the assets that criminals may have as a result of their crimes. It is the intent of the legislature to provide assistance to local law enforcement officials and state agencies to seize the assets of criminals and the proceeds of their profiteering." [1991 c 345 s 1.]

RCW 43.10.270 Criminal profiteering—Asset recovery. All assets recovered pursuant to RCW 43.10.260 shall be distributed in the following manner: (1) For drug asset forfeitures, pursuant to the provisions of RCW 69.50.505; and (2) for criminal profiteering cases, pursuant to the provisions of RCW 9A.82.100. [1991 c 345 s 3.]

Findings—1991 c 345: See note following RCW 43.10.260.

RCW 43.10.290 Office of military and veteran legal assistance—Created—Definitions—Limitations. (1) Subject to the availability of amounts appropriated for this specific purpose, there is hereby created an office of military and veteran legal assistance within the office of the attorney general for the purpose of promoting and facilitating civil legal assistance programs, pro bono services, and self-help services for military service members, veterans, and their family members domiciled or stationed in Washington state.

(2) For the purposes of this section and RCW 43.10.292 and 43.10.294, the following definitions apply:

(a) The term "service member" means an active or reserve member in any branch of the armed forces of the United States, including the national guard, coast guard, and armed forces reserves.

(b) The term "veteran" has the same meaning as defined in RCW 41.04.005 and 41.04.007.

(c) The term "family member" means the spouse or domestic partner, surviving spouse, surviving domestic partner, and dependent minor children under twenty-one years of age of a living or deceased service member or veteran for whom the service member or veteran provided at least one-half of that person's support in the previous one hundred eighty days before seeking assistance of the programs and services authorized by this chapter.

(3) The attorney general may not directly provide legal assistance, advice, or representation in any context, unless otherwise authorized by law, and the attorney general may not provide legal assistance programs, pro bono services, or self-help services to a service member, veteran, or family member being criminally prosecuted. [2017 c 163 s 1.]

RCW 43.10.292 Office of military and veteran legal assistance—Duties. The office of military and veteran legal assistance shall:

(1) Recruit and train volunteer attorneys and identify service programs willing to perform pro bono services for service members, veterans, and their family members, and create and maintain a registry of the same;

(2) Assess and assign requests for pro bono services to volunteer attorneys and service programs registered with the office; and

(3) Establish an advisory committee that will include, among others, representatives from legal assistance offices on military installations, the office of civil legal aid, the Washington state bar association's legal assistance to military personnel section, the Washington state veterans bar association, relevant office of military service and support organizations, and organizations involved in coordinating, supporting, and delivering civil legal aid and pro bono legal services in Washington state. The committee shall provide advice and assistance regarding program design, operation, volunteer recruitment and support strategies, service delivery objectives and priorities, and funding. [2017 c 163 s 2.]

RCW 43.10.294 Office of military and veteran legal assistance—Grants, gifts, donations. The attorney general may apply for and receive grants, gifts, donations, bequests, or other contributions to help support and to be used exclusively for the operations of the office of military and veteran legal assistance. [2017 c 163 s 3.]

RCW 43.10.305 Hate crimes and bias incidents hotline. (1) The attorney general's office shall oversee a hate crimes and bias incidents hotline staffed during business hours and dedicated to assisting people who have been targeted or affected by hate crimes and bias incidents. The hotline shall:

(a) Provide appropriate information and referral to people who have been targeted or affected by hate crimes and bias incidents that is victim-centered, culturally competent, and trauma-informed;

(b) Be as accessible to as many residents of Washington as possible, regardless of language proficiency, as much as is practically possible within the limits of the resources appropriated to operate the hotline.

(2)(a) The attorney general's office shall:

(i) To the extent possible, identify local service providers and culturally specific services to refer people who have been targeted or affected by hate crimes and bias incidents;

(ii) Coordinate and partner with other counties and any other hotlines relevant to the hotline; and

(iii) Establish and appoint an advisory committee that will include, among others, representatives from legal aid, at least five community organizations working with historically underserved communities across the state, local and culturally specific service providers, state agencies, and any other entities the attorney general's office deems relevant to the program. The advisory committee shall provide advice and assistance regarding program design, operation, outreach, service delivery objectives and priorities, and funding.

(b) To ensure that the advisory committee has diverse and inclusive representation of those affected by its work, advisory committee members shall be compensated as provided in RCW 43.03.220.

(c) Advisory committee members are not entitled to be reimbursed for travel expenses if they are elected officials or are participating on behalf of an employer, governmental entity, or other organization.

(d)(i) By July 1, 2025, the attorney general's office must develop and implement a pilot hotline program that will assist individuals targeted or affected by hate crimes in at least three counties. One of those counties must be in eastern Washington.

(ii) By January 1, 2027, the attorney general's office must implement the program statewide.

(e) No later than July 1, 2027, and at least annually thereafter, the attorney general's office must provide information regarding hate crimes and bias incidents reported to the hotline during the prior calendar year to the governor, senate, and house of representatives, and make the information publicly available on its website, excluding the personal identifying information of any individual.

(f) Any information regarding hate crimes or bias incidents that reveals the personal identifying information of any individual: (i) Must not be included in any public report prepared in accordance with this section; and (ii) is confidential and exempt from public inspection, copying, or disclosure under chapter 42.56 RCW.

(3) Any law enforcement agency in this state that receives a report of a hate crime or bias incident shall provide the phone number and website address of the hotline to the targeted or affected person.

(4) Whenever a hate crime is reported to the hotline by a member of the public, the hotline shall inquire whether the person reported the hate crime or bias incident to law enforcement. If the person targeted or affected by the hate crime or bias incident consents to

sharing personal identifying information with the primary local law enforcement agency of the jurisdiction in which the hate crime or bias incident occurred, the hotline shall promptly share the targeted or affected person's name, address, and contact information with the primary local law enforcement agency. If the targeted or affected person consents to share some but not all personal identifying information, the hotline must share only the information the targeted or affected person has consented to share.

(5) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Bias incident" means a person's hostile expression of animus toward another person, relating to the other person's actual or perceived characteristics as listed in RCW 9A.36.080(1) or 49.60.030(1), of which criminal investigation or prosecution is impossible or inappropriate. "Bias incident" does not include any incident in which probable cause of the commission of a crime is established by the investigating law enforcement officer, and does not include expressions of opposition or support for the actions or policies of a foreign or domestic government protected under free speech.

(b) "Hate crime" means the commission, attempted commission, or alleged commission of an offense described in RCW 9A.36.080.

(c) "Hate crimes and bias incidents hotline" or "hotline" means the communications channel or channels overseen by the attorney general's office pursuant to this section.

(d) "Law enforcement agency" means any general or limited authority Washington law enforcement agency as those terms are defined in RCW 10.93.020.

(e) "Law enforcement officer" means any general authority, limited authority, or specially commissioned Washington peace officer as those terms are defined in RCW 10.93.020.

(f) "Local service providers" means providers of services to people who have been targeted or affected by hate crimes and bias incidents, including without limitation crisis intervention, advocacy, information and referral, and outreach and awareness, that are located in the same geographic area that the hate crime or bias incident occurred or where the targeted or affected person resides.

(g) "Personal identifying information" means any information that can be used to distinguish or trace an individual's identity, such as name, prior legal name, alias, mother's maiden name, date or place of birth, residence, mailing address, telephone number, email address, social security number, driver's license number, bank account number, or other similar information.

(h) "Protected class" means a class of individuals who are members of, or perceived as being members of, a group based on one or more of the following shared characteristics: Race, color, religion, ancestry, national origin, gender, sexual orientation, gender expression or identity, or mental, physical, or sensory disability. [2024 c 299 s 1.]

Effective date—2024 c 299: "This act takes effect January 1, 2025." [2024 c 299 s 5.]

Private right of action—2024 c 299: "This act does not create or limit any private right of action." [2024 c 299 s 3.]

RCW 43.10.310 Immigration enforcement model policies—Adoption by schools, health facilities, courthouses. (1) The attorney general, in consultation with appropriate stakeholders, must publish model policies within twelve months after May 21, 2019, for limiting immigration enforcement to the fullest extent possible consistent with federal and state law at public schools, health facilities operated by the state or a political subdivision of the state, courthouses, and shelters, to ensure they remain safe and accessible to all Washington residents, regardless of immigration or citizenship status.

(2) All public schools, health facilities either operated by the state or a political subdivision of the state, and courthouses must:

(a) Adopt necessary changes to policies consistent with the model policy; or

(b) Notify the attorney general that the agency is not adopting the changes to its policies consistent with the model policy, state the reasons that the agency is not adopting the changes, and provide the attorney general with a copy of the agency's policies.

(3) All other organizations and entities that provide services related to physical or mental health and wellness, education, or access to justice, are encouraged to adopt the model policy.

(4) Implementation of any policy under this section must be in accordance with state and federal law; policies, grants, waivers, or other requirements necessary to maintain funding; or other agreements related to the operation and functions of the organization, including databases within the organization.

(5) The definitions in RCW 43.17.420 apply to this section.
[2019 c 440 s 4.]

Findings—Construction—Conflict with federal requirements—
Effective date—2019 c 440: See notes following RCW 43.17.425.

RCW 43.10.315 Immigration enforcement model policies—Adoption by law enforcement agencies. To ensure state and law enforcement agencies are able to foster the community trust necessary to maintain public safety, within twelve months of May 21, 2019, the attorney general must, in consultation with appropriate stakeholders, publish model policies, guidance, and training recommendations consistent with chapter 440, Laws of 2019 and state and local law, aimed at ensuring that state and local law enforcement duties are carried out in a manner that limits, to the fullest extent practicable and consistent with federal and state law, engagement with federal immigration authorities for the purpose of immigration enforcement. All state and local law enforcement agencies must either:

(1) Adopt policies consistent with that guidance; or

(2) Notify the attorney general that the agency is not adopting the guidance and model policies, state the reasons that the agency is not adopting the model policies and guidance, and provide the attorney general with a copy of the agency's policies to ensure compliance with chapter 440, Laws of 2019. [2019 c 440 s 7.]

Findings—Construction—Conflict with federal requirements—
Effective date—2019 c 440: See notes following RCW 43.17.425.

RCW 43.10.320 Missing and murdered indigenous women and people cold case investigations assistance unit. (1) Subject to the availability of amounts appropriated for this specific purpose, there is hereby created a missing and murdered indigenous women and people cold case investigations assistance unit within the office of the attorney general for the purpose of assisting federal, municipal, county, and tribal law enforcement agencies to solve cold cases involving missing and murdered indigenous women and people.

(2) The missing and murdered indigenous women and people cold case investigations assistance unit may proactively offer assistance to the law enforcement agency with primary jurisdiction over a missing or murdered indigenous women or person cold case. The missing and murdered indigenous women and people cold case investigations assistance unit shall not investigate or assist with a criminal investigation except at the request of the law enforcement agency with primary jurisdiction over the case, in which case the assistance shall be limited to the content of such request.

(3) The missing and murdered indigenous women and people cold case investigations assistance unit shall prioritize assistance to jurisdictions that do not have sufficient resources to investigate cold cases.

(4) The missing and murdered indigenous women and people cold case investigations assistance unit shall include an advocate or case navigator.

(5) Nothing in this section alters the attorney general's concurrent authority to investigate and prosecute crimes. [2023 c 104 s 2.]

Findings—2023 c 104: "The legislature finds that:

(1) American Indian and Alaska Native women experience violence at much higher rates than the national average. A recent federal study reported that Native American women are murdered at rates greater than 10 times the national average. Many of these crimes, however, are often unsolved or even unreported because there are also very high rates of disappearance for Native American women;

(2) The national center for disease control reports that homicide is the sixth-leading cause of death for indigenous women and girls and the third-leading cause of death for indigenous men;

(3) The legislature established the Washington state missing and murdered indigenous women and people task force in the attorney general's office to address the crisis, and in 2022 the task force unanimously recommended the legislature establish and fully fund a cold case investigations unit in the attorney general's office that can offer assistance to law enforcement agencies with jurisdiction over unsolved cold cases involving missing and murdered indigenous women and people;

(4) Cold cases vary in scope, but may include unsolved homicides, sexual offenses, sexually motivated offenses, missing persons, and cases of unidentified remains;

(5) Cold cases may include cases in which the investigating agency is not actively working the case and has suspended the investigation;

(6) Most law enforcement agencies in Washington state do not have dedicated cold case units, and can benefit from assistance;

(7) When cases go cold, family members of native and indigenous women and girls often continue to search for their loved one using their own resources;

(8) The attorney general's office and Washington state patrol have dedicated significant time and resources towards working with families of missing and murdered indigenous women and people to build trust and engagement;

(9) The homicide investigation tracking system (HITS) program within the attorney general's office tracks and investigates homicides and rapes. HITS partners with Washington law enforcement agencies to collect, analyze, link, and then provide law enforcement with information that will facilitate the resolution of violent crimes and speed the apprehension and prosecution of violent criminals. Typically, in every calendar year, HITS will respond to almost 800 requests for assistance or information. The investigators who work in HITS also provide expertise to the local and national jurisdictions on homicide and rape investigations;

(10) A missing and murdered indigenous women and people cold case unit should use a culturally attuned, trauma-informed, and family and victim-centered approach in assisting local law enforcement agencies; and (11) A missing and murdered indigenous women and people cold case investigation unit will expand resources available to law enforcement, coroners, and other agencies." [2023 c 104 s 1.]

RCW 43.10.325 Missing persons toolkit. (1) Subject to the availability of amounts appropriated for this specific purpose, the office of the attorney general shall publish and maintain on its website a missing persons toolkit that contains regularly updated information related to locating and recovering missing persons.

(2) The missing persons toolkit must contain information and resources to help understand and engage with the process of reporting missing persons including, at minimum, the following:

(a) An explanation of how to report a missing person to an applicable law enforcement agency or other entity charged with receiving such reports;

(b) An overview of the kinds of information that may be helpful to provide when reporting a missing person;

(c) Additional steps that may be taken to assist with recovering a missing person after a report has been made;

(d) Suggestions and resources for navigating difficulties that are commonly encountered during the process of reporting and recovering a missing person, including a list of resources that may offer counseling and assistance to family members, friends, and community members of missing persons;

(e) Information, developed in consultation with the Washington state missing and murdered indigenous women and people task force, that is specifically tailored to reporting and recovering missing indigenous women and persons; and

(f) Information that is specifically tailored to reporting and recovering missing persons who are particularly vulnerable due to age, health, or mental or physical disability or condition.

(3) The office of the attorney general shall publish the missing persons toolkit in the top 10 languages spoken in Washington state and, at the discretion of the office of the attorney general, other languages.

(4) The office of the attorney general shall publish the missing persons toolkit in the following formats:

(a) A full digital version available on the office of the attorney general's website; and

(b) An abbreviated hard copy version made available to law enforcement agencies and any other relevant entities identified by the office of the attorney general, to be distributed by the applicable law enforcement agency or other entity when a person seeks to report a missing person.

(5) The office of the attorney general shall publish the first version of the missing persons toolkit in all formats specified under subsection (4) of this section by November 1, 2023, and, beginning in 2024, review the missing persons toolkit annually and publish an updated version incorporating any relevant changes by November 1st of each year thereafter. [2023 c 212 s 2.]

Short title—2023 c 212: "This act may be known and cited as the missing and murdered indigenous women and persons and Lucian act." [2023 c 212 s 1.]

RCW 43.10.801 Sexual assault forensic examination best practices advisory group. (Expires July 1, 2026.) (1)(a) The sexual assault forensic examination best practices advisory group is established within the office of the attorney general for the purpose of reviewing best practice models for managing all aspects of sexual assault investigations and for reducing the number of untested sexual assault kits in Washington state.

(i) The caucus leaders from the senate shall appoint one member from each of the two largest caucuses of the senate.

(ii) The caucus leaders from the house of representatives shall appoint one member from each of the two largest caucuses of the house of representatives.

(iii) The attorney general, in consultation with the legislative members of the advisory group, shall appoint:

(A) One member representing each of the following:

(I) The Washington state patrol;

(II) The Washington association of sheriffs and police chiefs;

(III) The Washington association of prosecuting attorneys;

(IV) The Washington defender association or the Washington association of criminal defense lawyers;

(V) The Washington association of cities;

(VI) The Washington association of county officials;

(VII) The Washington coalition of sexual assault programs;

(VIII) The office of crime victims advocacy;

(IX) The Washington state hospital association;

(X) The office of the attorney general; and

(XI) The criminal justice training commission;

(B) Two members representing survivors of sexual assault;

(C) One member who is a sexual assault nurse examiner;

(D) Two members who are law enforcement officers, one from a rural area and one from an urban area of the state;

(E) One member who is a prosecuting attorney serving in a county in a rural area of the state; and

(F) Two members who are community-based advocates, one from a rural area and one from an urban area of the state.

(b) When appointing members under (a)(iii)(D) of this subsection, the office of the attorney general shall solicit recommendations from statewide labor organizations representing law enforcement officers.

(2) The duties of the advisory group include, but are not limited to:

(a) Researching the best practice models both in state and from other states for collaborative responses to victims of sexual assault from the point the sexual assault kit is collected to the conclusion of the investigation and prosecution of a case, and providing recommendations regarding any existing gaps in Washington and resources that may be necessary to address those gaps;

(b) Researching and making recommendations on opportunities to increase access to, and availability of, critical sexual assault nurse examiner services;

(c) Monitoring the testing of the backlog of sexual assault kits and the supply chain and distribution of sexual assault kits;

(d) Monitoring implementation of state and federal legislative changes;

(e) Collaborating with the legislature, state agencies, medical facilities, and local governments to implement reforms pursuant to federal grant requirements; and

(f) Making recommendations for institutional reforms necessary to prevent sexual assault and improve the experiences of sexual assault survivors in the criminal justice system.

(3) The office of the attorney general shall administer and provide staff support to the advisory group.

(4) Legislative members of the advisory group must be reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members, except those representing an employer or organization, are entitled to be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(5) The advisory group must meet no less than twice annually.

(6) The advisory group shall report its findings and recommendations to the appropriate committees of the legislature and the governor by December 15th of each year.

(7) This section expires July 1, 2026. [2023 c 197 s 1.]