

RCW 73.04.005 "Qualifying discharge"—Definition—Proof. For purposes of RCW 9.46.070, 28A.230.120, 28B.15.012, 28B.15.621, 28B.102.020, 41.04.005, 41.04.007, 41.04.010, 41.06.133, 41.08.040, 41.12.040, 43.24.130, 43.70.270, 46.18.270, 46.18.280, 46.20.161, 72.36.030, 73.08.005, and 77.32.480:

(1) A "qualifying discharge" means:

(a) A discharge with an honorable characterization of service;

(b) A discharge with a general under honorable conditions characterization of service;

(c) A discharge with an other than honorable characterization of service if the applicant provides a letter, administrative decision, or other documentation from the United States department of veterans affairs showing eligibility for or receipt of monetary benefits, such as disability compensation or nonservice-connected pension; or

(d) Any characterization of service if the reason for discharge was listed as solely due to: (i) A person's sexual orientation, gender identity, or gender expression; (ii) statements, consensual sexual conduct, or consensual acts relating to sexual orientation, gender identity, or gender expression unless the statements, conduct, or acts are or were prohibited by the uniform code of military justice on grounds other than the person's sexual orientation, gender identity, or gender expression; or (iii) the disclosure of statements, conduct, or acts relating to sexual orientation, gender identity, or gender expression to military officials.

(2) (a) To prove a "qualifying discharge" under this section, an individual must provide official documentation that shows the following to the agency administering the sought benefit or protection:

(i) The individual's characterization of service; and

(ii) If an individual has a qualifying discharge under subsection (1) (d) of this section, also the individual's reason for discharge or narrative reason for separation.

(b) Proof may include, but is not limited to, a department of defense DD form 214, NGB form 22, or equivalent or successor official paperwork stating the required information from a government agency. Copies of official documents are acceptable as proof. [2024 c 146 s 4.]

Intent—2024 c 146: "The legislature intends to align the federal and state definition of "veteran," expanding state veterans' benefits to any veteran who is already eligible for federal department of veterans affairs monetary benefits. The legislature further intends to create eligibility for state benefits for veterans who were separated with less than honorable characterizations of service due solely to sexual orientation, gender identity, or gender expression or actions or statements related to sexual orientation, gender identity, or gender expression, regardless of characterization of service." [2024 c 146 s 1.]