

**Summary of Legislative Bill Proposals
As of 1/5/2021**

Jail Standards Task Force	Creates a joint legislative task force on jail standards to review related issues and make recommendations by 12/1/22
S-0018 - Creating a developmentally appropriate response to youth who commit sexual offenses	<p><u>Part I</u> – Removes all juvenile references and adds language that the duty to register does not apply to offenses committed when a person is under 18 unless the person is convicted in adult court. This is to be applied retroactively and any legal obligation is extinguished for any person based on an offense committed under the age of 18 unless the conviction is in the exclusive jurisdiction of adult court.</p> <p><u>Part II</u> –</p> <ul style="list-style-type: none"> > Create new offense Problem Sexual Behavior by a Minor 1 when a person under the age of 18 has sexual intercourse with another who is <12 yrs old, not married to the person, and the person is at least 36 mos older. This is a class B felony. This replaces Rape of a Child 1 and is the same adjudication offense category. It is a seriousness level XII on the standard grid. > Create new offense Problem Sexual Behavior by a Minor 2 when person has or causes another under age 18 to have sexual contact with a person who is <12 yrs old, not married to the person, and the person is at least 36 mos older; when person has sexual intercourse with another who is at 12 but <14 yrs old, not married to the person, and the person is at least 36 mos older. This is a class B felony. This replaces Rape of a Child 2 and is the same juvenile adjudication category. It is a seriousness level X on the standard grid. > Create new offense Problem Sexual Behavior by a Minor 3 when the person has or causes another under age 18 to have sexual contact with another who is 12-<14 yrs old, not married to the person, and the person is at least 36 mos older. This is a class C felony. This is a juvenile adjudication offense category of B/C+. It is a seriousness level VII on the standard grid. > Changes the designation of current sex offenses if person was under 18 yrs at the time of the offense to said offense "as a Minor" (ex. Rape 1 as a Minor). These offenses are also changed to read as said offense "as a Minor" on the juvenile adjudication offense category and on the standard grid. They are the same seriousness level as the regular offense on the standard grid. > Modifies the special allegation of sexual motivation when the person was under age 18 at the time of the offense to be known and charges as Sexual Motivation as a Minor. After the effective date of the section, convictions for offenses with this designation are not eligible to receive the sexual motivation sentencing enhancement under RCW 9.94A.533 nor may this designation be used to define a persistent offender under RCW 9.94A.030. > Eliminates Rape of a Child 1 from exclusive adult jurisdiction > Many of the sections are to be retroactive <p><u>Part III</u> –</p>

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	<ul style="list-style-type: none"> > Modifies Non-Persistent Offender (Det Plus) language so that minimum terms of the section do not apply to offenses committed by a person who was under 18 yrs at the time of the offense. > Modifies sex offense scoring rules to include only prior sex offense conviction committed while the person was 18 yrs or older; eliminates scoring rules for failure to register. > Modifies the Special Sex Offender Disposition Alternative to direct the court to defer (instead of suspend) the disposition and place the person on community supervision for at least 2 yrs. If revoked, the court shall impose a determinate disposition within the standard range for the offense.
<p>S-0033 – Concerning restitution</p>	<p><u>RCW 9.94A.750 and RCW 9.94A.753</u> - Permits the court to relieve an individual of the requirement to pay full or partial restitution to any insurer if the court determines that individual does not have the means to pay it. Insurer is defined under Title 48 RCW and any business, organization, etc. of 50+ employees/members who are self-insured or organization formed for the purposes of jointly self-insuring or self-funding.</p> <p><u>New Section</u> - Interest may not exceed 6% to be applied or charged on any court fees or fines.</p> <p><u>New Section</u> - Act is retroactive.</p>
<p>S-0062 - Concerning county of origin for individuals released to community custody by the department of corrections</p>	<p><u>RCW 72.09.270</u> -</p> <ul style="list-style-type: none"> > Adds to exceptions that allow DOC to approve a residence location that is not in the individual's county of origin to include factors that increase opportunities for successful reentry and long-term support, availability of appropriate programming or treatment, and access to housing, employment, and prosocial influences. > Redefines county of origin as the county of the individual's residence at the time of the individual's first felony conviction in Washington. If homeless (RCW 43.185C.010) or the residence is unknown, it is the county of the individual's first felony conviction in Washington.
<p>S-0099 – Concerning the jurisdiction of juvenile court</p>	<ul style="list-style-type: none"> > Raises the age from 8 to 13 at which children are considered incapable of committing crime, with the exception of those 8 - 12 yrs who are charged with Murder 1/2. > Modifies definition of "youth or juvenile" to be those under 19 years of age (eff 7/1/22); under 20 years of age. (eff 7/1/24) > Modifies age range for exclusive adult jurisdiction from 16-17 to 16 or older and increases age of divertee to 19 relating to termination of a diversion agreement. (eff 7/1/22); increases age of divertee to 20 (eff 7/1/24) > Modifies age range for exclusive adult jurisdiction from 16-17 to 16 or older and > Modifies juvenile ranked offenses that show an age range to be through 18 yrs old (eff 7/1/22); through 19 yrs old (eff 7/1/24) > Modifies divertee upper age level to be 19 instead of 18 (eff 7/1/22); 20 instead of 18 (eff 7/1/24)

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	<ul style="list-style-type: none"> > Modifies age ranges specified for juvenile enhancements from 16 - 17 to 16 - 18 yrs (eff 7/1/22); 16 - 17 to 16 - 19 yrs (eff 7/1/24) > Extends the age under which a person can be committed to JR (age 21 for adjudication under 18 yrs; age 22 for adjudication while 18 yrs) (eff 7/1/22); age 23 for adjudication while 19 yrs) (eff 7/1/24)
S-0106 – Addressing mental health sentencing alternatives	<p><u>Creates the Mental Disability Mandated Observation and Treatment Alternative</u></p> <ul style="list-style-type: none"> > Eligibility: conviction is not for a serious violent offense; diagnosis of severe and persistent MH issue; defendant would benefit from supervision and treatment; sentence includes incarceration; and defendant is willing participant. > PSI will be conducted to assist court in its determination. > If court deems sentence is appropriate, it will waive imposition of sentence within standard range and impose a community custody term in relation to the standard range and condition related to the needs of the defendant including treatment and supervision: <ul style="list-style-type: none"> - Std Range of 0 - 36 mos = Comm Cust Term = between 12 - 24 mos - Std Range >36 mos = Comm Cust Term = 12 and 36 mos > Court may bring defendant back to court at any time to evaluate progress; may modify terms of community custody, impose sanctions, or order term of total confinement for violations; > Any term of confinement is eligible for earned release time.
S-0188 - Removing felony failure to register as a sex offender from the definition of a sex offense	<p><u>RCW 9.94A.030</u> - Eliminates felony violation of RCW 9A.44.132(1) (FTR-SO) if the person has a previous conviction for RCW 9A.44.132(1) or 9A.44.130 from the definition of "sex offense"</p>
HB 1038 - Prohibiting the possession of firearms by persons convicted of certain criminal offenses	<p><u>RCW 9.41.040</u> - Adds to definition of Unlawful Possession of FA when person possesses or has in his/her control any firearm and was previously convicted of or found not guilty by reason of insanity of Unlawful Aiming or Discharge of a FA or DW (RCW 9.41.230) or Animal Cruelty 2 (RCW 16.52.207).</p>

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<p>HB 1044 - Creating prison to postsecondary education pathways</p>	<ul style="list-style-type: none"> > Directs WSIPP to conduct a study on enrollment and completion rates of inmates in the postsecondary education system post release as well as recidivism rates. > Allows DOC to release an individual to a county that is not the individual's county of origin when the individual is enrolled in an education program and a return to the county of origin would prohibit a completion of the program. <u>RCW 72.09.460</u> - > Replaces reference of "associate degree" with "postsecondary degree or certificate" > Requires DOC to include "achievement by those incarcerated individuals eligible for special education services" for basic academic skills and additional work and education programs. > Requires DOC to establish a process for identifying and assessing incarcerated individuals with learning disabilities and other cognitive impairments to determine if accommodations to participate in programming are needed. > Allows individual sentenced to LWOP to participate in postsecondary degree program if it is paid for by a third party. <u>RCW 72.09.465</u> - Replaces references of "associate degree" with "postsecondary degree or certificate" level of education programs DOC may implement and may assist incarcerated individuals with filing a free application for student aid. <u>New Section</u> - Requires DOC to consider whether an individual can continue participation in a vocational or educational program in which he/she is enrolled when determining a transfer to a different facility.
<p>HB 1071 - Concerning bias-based criminal offenses</p>	<ul style="list-style-type: none"> > Adds Hate Crime offense (RCW 9A.36.080) to the list of Crimes Against Persons > Adds to the list of aggravating factors when the current offense is not a hate crime but the defendant's conduct was motivated by a perception of the victim's race, color, religion, ancestry, national origin, gender, sexual orientation, gender expression or identity, or mental, physical, or sensory disability.
<p>SB 5035 - Concerning offender drug scoring</p>	<p>Adds language that restricts the inclusion of a conviction under Chapter 69.50 RCW or any similar out of state conviction in the calculation of the criminal history score. The exception is for crimes of manufacturing, delivering, or possessing with intent to manufacture a controlled substance under Chapter 69.50 RCW.</p>
<p>SB 5036 - Concerning conditional commutation by the clemency and pardons board.</p>	<ul style="list-style-type: none"> > Requires DOC to supervise any individual granted conditional commutation pursuant to RCW 9.94A.885. > Changes point when individuals sentenced to LWOP can be considered for release from age 60 to having served at least 20 years in total confinement and directs the release to take the form of conditional commutation that includes a period of law-abiding behavior in the community. > Requires anyone granted a conditional commutation to be transferred to a more restrictive confinement status to serve remaining portion of sentence as a community custody violation sanction. > Increases Board membership from 5 to 10; Requires specific representation on Board; Requires Board members to understand principles of racial equity and restorative justice; Changes terms from 4 to 5 years and directs that members

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	<p>shall receive salaries fixed by the Governor in accordance with RCW 43.03.040; The Board shall be funded adequate personnel and the ATG shall provide legal counsel.</p> <p>> Allows Board recommendations to include conditional commutation of sentence; Requires Board to consider statements from victims, survivors of victims and law enforcement; PAO will be given 90 (not 30) days' notice prior to hearing and shall make reasonable efforts to ensure victim/survivor statements and contact information are forwarded as part of the J&S.</p> <p>> Commutation may include term of community custody up to length of court-imposed term of incarceration, partial confinement up to 6 mos; restrictions on employment, travel and contacts. Governor may revoke an order granting conditional commutation at any time. Board members are not civilly liable for decisions.</p> <p>> Eligibility to petition: not under jurisdiction of ISRB; has served 20+ yrs in total confinement; consents to review of medical, mental health and dept files; does not have any current appeals pending.</p> <p>> Process requires DOC to notify person and conduct assessment no later than 5 yrs prior to petition eligibility date; no later than 180 days after submission of petition DOC shall conduct an examination of the person and include a prediction of probably of future criminal behavior; Board shall recommend person be released unless a preponderance of evidence that person will commit new criminal violations; Board shall consider specific factors and information; a new petition can be submitted 3 yrs from date of denial.</p> <p>> Requires the Board to give priority consideration to individuals who petition and have a current or past conviction for Robbery 2 that was used as a basis for a Persistent Offender sentence.</p>
<p>SB 5047 - Reducing criminal justice expenses by eliminating the death penalty and instead requiring life imprisonment without possibility of release or parole as the sentence for aggravated first degree murder</p>	<p><u>RCW 10.95.030</u> - Eliminates subsection 2 of this statute thereby removing the ability to assign a sentence of death. Also repeals other statutes related to death penalty sentencing and execution.</p>
<p>SB 5054 - Concerning impaired driving</p>	<p>Changes the look-back period for felony DUI from 10 yrs to 15 yrs</p> <p><u>RCW 9.94A.525</u> - Removes the reference to RCW 9A.44.130 from the scoring section related to failure to register as a sex offender.</p>