

Summary of Legislative Bill Proposals As of 1/14/2021

SB 5120 - Concerning the criminal sentencing of youth and young adults	<p><u>RCW 9.94A.533</u> - Modifies language so that when a person being sentenced in adult court for a crime committed under age 18, the court must consider the mitigating factors relating to their youth. The court has full discretion to impose any lesser sentence.</p> <p><u>New Section</u> - Requires a resentencing hearing upon a motion for relief from sentencing in any criminal case where a person was sentenced on or before 3/2/2017 in adult court for a crime that occurred when under age 18. At resentencing, court shall consider the mitigating factors relating to the person's youth and the court has full discretion to impose a lesser sentence.</p> <p><u>New Section</u> - This act applies to all causes of action commenced on or after the effective date of the section, regardless of when the cause of action arose.</p>
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> <p>CSTF RECOMMENDATION 15: Move subsequent crime of "failure to register as a sex offender" to a non-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>
SB 5054 - Concerning impaired driving	<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>
HB 1044 - Creating prison to postsecondary education pathways	<p>> 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.</p> <p>> 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.</p> <p><u>RCW 72.09.460</u> -</p> <p>> Replaces reference of "associate degree" with "postsecondary degree or certificate"</p> <p>> Requires DOC to include "achievement by those incarcerated individuals eligible for special education services" for basic academic skills and additional work and education programs.</p> <p>> 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.</p>

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	<p>> Allows individual sentenced to LWOP to participate in postsecondary degree program if it is paid for by a third party.</p> <p><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.</p> <p><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 1126 - Limiting tolling of community custody terms	<p>> Modifies statute so that community custody shall be tolled by DOC when a secretary's warrant has been issued; when a bench warrant has been issued by the court; when a person is serving confinement time as part of the original sentence, including time served on sanctions that result in the imposition of the remaining sentence.</p> <p>> Modifies that inpatient treatment and alternatives served in the community as ordered by the court in lieu of jail time shall not toll the period of community custody.</p> <p>CSTF RECOMMENDATION 22: Simplify tolling of supervision terms to provide clarity and transparency regarding end dates for supervision and access to reentry services. Terms of supervision shall be tolled for:</p> <ul style="list-style-type: none"> • Any period of time when an individual has absented themselves from supervision without the prior approval of the entity in whose custody the individual has been placed and during any period for which a Bench Warrant has been issued as specified by the court or a Secretary's Warrant has been issued; • While an individual is serving confinement time as part of the original sentence; and • Any period of time in confinement for a subsequent felony conviction (including pre-sentence confinement as confirmed by the detaining facility).
HB 1071 - Concerning bias-based criminal offenses	<p>> Adds Hate Crime offense (RCW 9A.36.080) to the list of Crimes Against Persons</p> <p>> 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>
S-0106 – Addressing mental health sentencing alternatives	<p><u>Creates the Mental Disability Mandated Observation and Treatment Alternative</u></p> <p>> 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.</p> <p>> PSI will be conducted to assist court in its determination.</p> <p>> 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:</p>

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	<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. <p style="color: #A52A2A;">CSTF RECOMMENDATION 6: Identify and implement public health options for addressing conduct that endangers public safety to which mental health or cognitive conditions or brain injuries are a factor. An important step toward realizing this goal would be to establish a mental health sentencing alternative.</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	<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.
SB 5099 - Ensuring that offenders who are incarcerated and commit murder may be changed with the death penalty	<ul style="list-style-type: none"> > Adds language that requires the prosecuting attorney to forward a request for review to the death penalty review panel for determination of whether death penalty should be sought, based on majority of members, when a person is charged with Aggr Mur and the crime occurred while the person was already serving a term of incarceration. > Creates a death penalty review panel which the attorney general shall convene.
SB 5035 - Concerning offender drug scoring	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.
SB 5036 - Concerning conditional commutation by the clemency and pardons board.	<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.

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	<ul style="list-style-type: none"> > 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 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. > 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. > 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. > 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. > 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. > 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.
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