

Summary of Legislative Bill Proposals As of 2/4/2021

SB 5164 - Concerning the criminal sentencing of youth and young adults*	<u>New Section</u> - Requires any person sentenced as a persistent offender before 7/28/19 with a current or past conviction for Rob 2 was used as a basis for the finding of persistent offender to have a resentencing hearing. At resentencing, the court shall sentence the person as if Rob 2 was not a most serious offense at the time the original sentence was imposed. Section expires 7/1/2023.
SHB 1186 - Concerning juvenile rehabilitation DCYF Request bill	<ul style="list-style-type: none"> > Replaces EHM with community transition services, defined as a therapeutic and supportive community-based custody option where a person will serve a portion of confinement term in the community while under DCYF supervision. > Persons are eligible to be on community transition services after 60% of min confinement term has been served, the person has an earned release date that is before their 26th birthday, and DCYF determines such placement is in the best interest of the person and community. > Community transition services option excludes those with pending charges or warrants; Level 3 sex offenders; and those requiring out-of-state placement. > Provides access to treatment and programming to those places in community transition services > Effective date is the data on which rules adopted by DCYF or 7/1/22, whichever is earlier.
HB 1344 - Allowing qualifying persons serving long sentences committed prior to reaching 25 years of age to seek review for possible release from incarceration 2/9/21 Public Hearing: Pub Safety @ 8a	<ul style="list-style-type: none"> > Modifies the standard grid seriousness level XVI to increase the age that a person may receive a LWOP/Death sentence from 18 to 25 and increase the age from 18 to 25 for persons who can receive a term of 25 yrs to Life. > Adds releases approved by the board under RCW 9.94A.730 to the list of exceptions to provisions that reduce minimum terms of total confinement. > Allows those with a persistent offender sentence to be released from confinement by the board under RCW 9.94A.730 or 10.95.030(3). > RCW 9.94A.730 - Changes the age at which a person convicted of one or more crimes prior to his/her 25th birthday (instead of 18th) may be released under RCW 9.94A.730. > Changes the age for juvenile board cases from 18 to 25, reduces the amount of time served in order to petition the ISRB from 20 to 15 yrs. > RCW 10.95.030 - Changes the age at which a person convicted of Aggr Murder is sentenced to 25 yrs - Life from prior to 16th birthday to prior to 25th birthday. > New Section - A person sentenced prior to the effective date of this section to a term of LWOP for an offense committed on or after 16th birthday and prior to 25th birthday shall be returned to sentencing court for sentencing consistent with RCW 10.95.030. > Applied retroactively regardless of the date of the offense or conviction.

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<p>HB 1399 - Reducing barriers to professional licensure for individuals with previous criminal convictions</p> <p>2/8/21 Public Hearing: Consumer Protection & Business @ 1:30p</p>	<p>> Allows individuals with a criminal conviction to submit to the appropriate licensing authority a preliminary application for a professional license, government certification, or state recognition of the individual's person qualifications for a determination as to whether the criminal conviction would disqualify the individuals from obtaining the license.</p>
<p>HB 1413 - Scoring of prior juvenile offenses in sentencing range calculations</p> <p>2/9/21 Public Hearing: Pub Safety @ 8a</p>	<p>> Adds that adjudications of guilt pursuant to Title 13 RCW may not be included in the offender score, RCW 9.94A.030 notwithstanding.</p> <p>> Entitles persons sentenced for an offense committed prior to the effective date of the section and whose offender score for that offense was increased due to any juvenile adjudications to a resentencing hearing upon the person's motion for relief from sentence.</p> <p>> The sentencing court shall grant the motion if it finds the previous score was increased due to any juvenile adjudication and shall immediately set an expedited date for resentencing.</p>
<p>SB 5293 - Addressing mental health sentencing alternatives</p> <p>2/8/21 Public Hearing: L&J @ 9:30a</p>	<p><u>New Section</u> - Creates the Mental Disability Mandated Observation and Treatment Alternative</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 as follows:</p> <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 between 12 and 36 mos <p>> 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;</p> <p>> Costs of examinations and preparing treatment plans may be paid from the Criminal Justice Treatment Account.</p> <p>> Requires DOC to supervise persons under this alternative.</p> <p>RECOMMENDATION 6</p>

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	<p>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. Improves effectiveness of the sentencing system: Addresses the underlying needs and causes that perpetuate criminal activity.</p> <p>Promotes/improves public safety: Supports the long-term health and safety of individuals convicted of crimes as well as communities by treating the underlying cause of anti-social behaviors.</p> <p>*Note from Task Force Consensus Deliberation: Consider creating a new mitigating factor in RCW 9.94A.535 that recognizes that mental health, cognitive conditions, or brain injuries may reduce culpability for criminal conduct.</p>
<p>SB 5361 - Concerning the resentencing of persons convicted of drug offenses</p> <p>2/11/21 Public Hearing: L&J @ 10:30a</p>	<p><u>RCW 9.94A.519</u></p> <ul style="list-style-type: none"> > Modifies language so that at a resentencing, the court shall sentence the person "based on current sentencing guidelines pursuant to RCW 9.94A.517 and does not result in a sentence that is longer than the high end of the standard range on the current drug sentencing grid" > Changes categories of offenses that are restricted from resentencing from most serious offense and violent offense to serious violent offense, violent offense, sex offense or any crime involving a child. > Extends the expiration of the section from 7/1/2021 to 2022.
<p>SHB 1169 - Concerning sentencing enhancements**</p>	<ul style="list-style-type: none"> > Eliminates the special finding of involving a juvenile in a felony offense under RCW 9.94A.833 from the definition of Pattern of Criminal Street Gang Activity. > Removes provisions that enhancements shall be served in total confinement except for Veh Hom-DUI and Minor Passenger enhancements which must be served in total confinement if the person has 3 or more prior offenses as defined in RCW 46.61.5055; removes the requirement that firearm and deadly weapon enhancements shall be served consecutively; adds language allowing the court to order enhancements to run consecutively; eliminates language where a firearm or deadly weapon enhancement term may not be reduced if it increases the sentence beyond the stat max; > Eliminates the criminal street gang enhancement > Eliminates language restricting application of good time credits or earned release time on firearm and deadly weapon enhancements. (exp 1/1/22) > Eliminates language restricting application of good time credits or earned release time on firearm, deadly weapon, impaired driving and minor child enhancements. (eff 1/1/22) > Creates new language allowing the person or the prosecuting attorney to petition the sentencing court for resentencing for sentences involving multiple, consecutive firearm or deadly weapon enhancements imposed prior to effective date of the section; allows the court to grant or deny a petition and, if granted, shall resentence the person as if the person had not previously been sentenced.

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	> Changes to restrictions on partial confinement and earned release for sentencing enhancements apply retroactively to persons currently serving a sentence and DOC shall recalculate the earned release date; for those whose offense was committed prior to the effective date of this section, the recalculation shall not extend incarceration beyond that which the person is currently subject.
SB 5407 = Concerning firearm theft	> Creates a new class B felony of Theft of a Firearm From a Residence, Store, Shop, Sales Outlet, or Vehicle and assigns a seriousness level of VII.