

**Summary of Legislative Bill Proposals
As of 1/6/2022**

<p>SB 1715 - Concerning the membership of the sentencing guidelines commission 1/14/2022 Public Hearing: H Public Safety @ 10a</p>	<p>Increases the number of SGC members from 20 to 24.</p> <ul style="list-style-type: none"> - Designates 1 of the 4 citizen members to be "one of whom has been formerly incarcerated in the state correctional system" - Adds Chair of the Minority and Justice Commission or designee as an ex officio member - Adds person representing interests of tribes - Adds behavioral health professional with experience working in criminal justice system; and - Adds person with knowledge of and expertise in academic research in criminology or sociology. - Directs the Gov to seek recommendations from WSIPP and relevant departments of WSU and UW in respect to the academic research position.
<p>HB 1756 - Concerning solitary confinement 1/13/2022 Public Hearing: H Public Safety @ 1:30p</p>	<p>Solitary Confinement Restriction Act</p> <p>RCW 72.68.010 - adds language that when an incarcerated individual under DOC is transferred to another state, the person may not be placed in solitary confinement unless certain criteria are met.</p> <p>RCW 72.09.015 - adds definitions for qualified medical provider, less restrictive intervention, solitary confinement, and vulnerable person.</p> <p>New Section - restricts placement into solitary confinement with exceptions for emergency purposes, medical isolation, facility-wide lockdown, and voluntary request of confinement.</p> <p>New Section - creates conditions of solitary confinement to be followed by DOC.</p> <p>New Section - creates policies and procedures around solitary confinement and directs DOC to review status of each person in solitary confinement by 1/1/2023 and develop a plan to transition them to a less restrictive intervention or other appropriate setting.</p> <p>New Section - requires a governing unit of a city or county operating one or more jails to compile specific information and report it to WASPC on the use of solitary confinement.</p>

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<p>SB 5573 - Concerning drug offender sentencing alternatives for offenders convicted of driving or control of a vehicle while under the influence</p> <p>1/13/2022 Public Hearing: S Law & Justice @ 10:30a</p>	<p>Creates the special Drug Offender Sentencing Alternative for Driving Under the Influence</p> <ul style="list-style-type: none"> - <u>Eligibility:</u> <ul style="list-style-type: none"> > No prior conviction for Veh Hom, Veh Asslt, felony DUI, felony DUI-PC and either > Is convicted of felony DUI or felony DUI-PC - <u>Sentencing - Court shall:</u> <ul style="list-style-type: none"> > Waive imposition of standard sentence range; and > Impose sentence equivalent to prisonDOSA and subject to same requirements and restrictions if the low end of the std sentence range is >24 mos; or > Impose sentence consisting of resDOSA consistent with this section if the low end of the std sentence range is =<24 mos. including: <ul style="list-style-type: none"> *No more than 30 days in treatment facility if necessary; up to 6 mos residential treatment; 24 mos partial confinement (12 mos work release followed by 12 mos EHM); and 12 mos community custody. - Adds DOSA-DUI definition to 9.94A.030. - RCW 9.94A.660 - modifies DOSA eligibility to exclude more than 1 DOSA-DUI in prior 10 years
<p>SB 5588 - Concerning reentry and discharge planning for incarcerated individuals at the DOC</p> <p>1/14/2022 – Public Hearing: S Law & Justice @ 10:30a</p>	<p>Requires DOC to develop an individual discharge plan and provide reentry linkage case management services.</p>
<p>SB 5628 - Concerning cyber harassment, addressing concerns in the case of Rynearson v. Ferguson, and adding a crime of cyberstalking</p> <p>1/13/2022 – Public Hearing: S Law & Justice @ 10:30a</p>	<p>RCW 9.61.260 - renames the crime of Cyberstalking to Cyber Harassment and increases the criteria for the unranked felony level offense. Felony level Cyberstalking currently under this statute is a SL 3.</p> <p>New Section - creates a new crime of Cyberstalking. This offense has gross misd and unranked class C felony levels.</p>

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<p>HB 1637– Allowing a court to mitigate a criminal sentence when the defendant was experiencing mental illness at the time of the offense</p>	<p>Adds to the non-inclusive list of mitigating factors the "defendant's behavior was impacted by a mental health condition at the time of the offense".</p>
<p>HB 1678 - Creating a domestic violence offender registry</p>	<p>Requires WSP to maintain a central registry of individuals with serious DV (SDV) adult convictions or juvenile adjudications.</p> <ul style="list-style-type: none"> - Defines qualifying DV offense and serious DV offender. - Registry will be available to public. - Creates rules as to how long person designated as SDV will remain on registry. <ul style="list-style-type: none"> - Indefinitely = qualifying offense is Class A offense or similar fed/out of state offense - 15 yrs = qualifying offense is Class B offense and in community for 15 consecutive yrs without felony or DV conviction - 10 yrs = in community for 10 consecutive yrs without felony or DV conviction - Individuals may request WSP to determine if registration period has ended and individual can be removed from registry or petition the court for removal from registry. - Individuals must provide copy of application to change their name to WSP and may be denied the change.
<p>HB 1681 - Modifying the requirements for vacating conviction records</p>	<p>RCW 9.94A.640 - Requires the court to clear the record of conviction if the person meets the tests prescribed.</p> <p>RCW 9.96.060</p> <ul style="list-style-type: none"> -Requires the court to vacate the misd or gross misd record of conviction if the court finds the applicant meets the requirements of the subsection. -Modifies the reasons when a misd or gross misd conviction cannot be vacated.

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<p>HB 1692 - Promoting racial equity in the criminal legal system by eliminating drive-by shooting as a basis for elevating murder in the first degree to aggravated murder in the first degree</p>	<p>RCW 10.95.020 - Removes from the list of aggravating circumstances under Aggravated Murder when murder was committed when the "discharge of the firearm is either from a motor vehicle or from the immediate area of a motor vehicle that was used to transport the shooter or the firearm, or both, to the scene of the discharge".</p> <p>New Section - Makes the act retroactive.</p>
<p>SB 5522 - Increasing the penalty for assaulting a law enforcement officer</p>	<p>RCW 9A.36.031</p> <ul style="list-style-type: none"> - Changes classification of Assault 3 from class C to class B only when assault is toward a LEO or employee of LEA, or toward a peace officer with a projectile stun gun. - Adds a mandatory minimum term of 180 days when convicted of assaulting LEO in furtherance of a riot or unlawful assembly prohibited under Chapter 9A.84 RCW. <p>RCW 9.94A. 515</p> <ul style="list-style-type: none"> - Increases Assault 3 of a Peace Officer with Projective stun gun from SL 4 to 5 - Increases Assault 3 of a LEO from SL 3 to 5
<p>SB 5523 - Concerning possession of controlled substances</p>	<p>RCW 69.50.4011 - Increases the penalty for knowingly possessing a counterfeit substance from a misdemeanor to an unranked class C felony and encourages prosecutors to divert such cases for a person's first 2 violations.</p> <p>RCW 69.50.4013 - Increases the penalty for knowingly possessing a controlled substance from a misdemeanor to an unranked class C felony and encourages prosecutors to divert such cases for a person's first 2 violations.</p> <p>RCW 10.31.115 - Changes LE ability to offer a referral to assessment and services in lieu of legal system involvement from "shall" to "may".</p>
<p>SB 5524 - Imposing a sentence of life in prison for controlled substances homicide for fentanyl-laced drugs</p>	<p>RCW 9.9A.540 - Adds Controlled Substances Homicide RCW 69.50.415(2)(b) to the list of offenses with a mandatory minimum term of total confinement of no less than 20 years.</p> <p>RCW 69.50.415 - Makes Controlled Substances Homicide when controlled substance used by the person to whom it was delivered recklessly contains fentanyl a class A felony. Controlled Substances Homicide (2)(a) remains a class B felony.</p> <p>RCW 9.94A.518 - Removes Controlled Substances Homicide - fentanyl from SL 3 on drug grid, making it an unranked offense. Controlled Substances Homicide (2)(a) remains DG-3.</p>

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<p>SB 5572 - Implementing the recommendations of the WA state internet crimes against children task force</p>	<p>RCW 9.68A.040 - Adds to the definition of Sexual Exploitation of a Minor that the person "knowingly causes a minor to be photographed or part of a live performance which depicts the minor engaged in sexually explicit conduct where the minor is unconscious or unaware of the photograph or recording".</p> <p>RCW 9.68A.053 - Modifies the definition of Minor Selling Depictions of Him/Herself Engaged in Sexually Explicit Conduct so that visual or printed matter does not include depiction of another minor engaged in sexually explicit conduct.</p> <p>RCW 9.94A.515 -</p> <ul style="list-style-type: none">>Minor Dealing in Depictions of Another Minor 12 yrs or younger engaged in Sexually Explicit Conduct 1 ranked at SL 7>Minor Dealing in Depictions of Another Minor 12 yrs or younger engaged in Sexually Explicit Conduct 2 ranked at SL 5>Minor Financing or Selling Depictions of Another Minor Engaged in Sexually Explicit Conduct ranked at SL 5
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