

Summary of Legislative Bill Proposals As of 1/13/2022

<p><u>HB 1692</u> - 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><u>SB 5793</u> - Concerning stipends for low-income or underrepresented community members of state boards, commissions, councils, committees, and other similar groups</p> <p>1/19/22 – Public Hearing: S State Government & Elections</p>	<p>New Section</p> <ul style="list-style-type: none"> - any member of a group formed by a state office, agency, board, commission or other entity is eligible to receive stipends for participation provided the member is: <ul style="list-style-type: none"> > Low income > Part of an underrepresented demographic that will be directly or disproportionately impacted by decisions made by the group - Agencies, boards, commission and other groups retain discretion over whether to provide stipends as well as to determine the amount of the stipend. Nothing in this section requires groups to provide stipends. - Stipends shall not exceed \$200 for each day during which the member attends an official meeting of performs statutorily prescribed duties approved by the chair. - Individuals eligible for stipends are eligible for reasonable allowances for child and adult care reimbursement, lodging, and travel expenses. - An agency may provide a stipend to individuals with lived experience who are not otherwise compensated for their attendance at meetings to support their participation in class one groups when the agency determines such participation is desirable in order to implement principles of equity. - OFM must convene a work group of state agencies to provide feedback and recommendations for model policies. - "Low income" means an individual whose income is not more than 400% of the federal poverty level, adjusted for family size.
<p><u>HB 1681</u> - Modifying the requirements for vacating conviction records</p> <p>1/21/22 – Public Hearing: H Public Safety @ 10a</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>SB 5572 - Implementing the recommendations of the WA state internet crimes against children task force</p> <p>1/18/22 Public Hearing: S Law & Justice @ 9:30a</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
<p>HB 1874 - Reducing barriers to professional licensure for individuals with previous arrests or criminal convictions</p> <p>1/17/22 Public Hearing: H Consumer Protection & Business @1:30p</p>	<p>RCW 18.400.020 - expands the criteria the appropriate licensing authority must, but is not limited to, consider when making a determination on an application regarding the license, certification or recognition administered by or with the support of the DOL.</p> <p>RCW 18.400.030 - adds that when issuing a professional license, government certification or state recognition, the appropriate licensing authority may not disqualify an individual based on a conviction that has been sealed, dismissed, expunged or pardoned or a juvenile adjudication.</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.

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<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>
<p>HB 1922 - Concerning criminal penalties for possession of fentanyl</p>	<p>RCW 69.50.4013 - creates a new class C felony for possession of fentanyl. Expires 7/1/2023</p> <p>RCW 69.50.4013 - creates a new unranked class C felony for unlawful possession of fentanyl without a prescription. Effective 7/1/2023.</p> <p>RCW 9.94A.518 - ranks possession of fentanyl as a SL 1 offense on the drug grid. Expires 7/1/2023</p> <p>RCW 10.31.115 - excludes possession of fentanyl from law enforcement referrals to assessment and services diversion.</p> <p>RCW 13.40.0357 - ranks possession of fentanyl as a level C juvenile disposition offense category and anticipatory category. Expires 7/1/2023</p>
<p>HB 1937 - Concerning fentanyl</p>	<p>RCW 69.50.4013 - creates a new class C felony for possession of fentanyl. Expires 7/1/2023</p> <p>RCW 69.50.4013 - creates a new unranked class C felony for unlawful possession of fentanyl without a prescription. Effective 7/1/2023.</p> <p>RCW 9.94A.518 - ranks possession of fentanyl as a SL 1 offense on the drug grid. Expires 7/1/2023</p> <p>RCW 13.40.0357 - ranks possession of fentanyl as a level C juvenile disposition offense category and anticipatory category. Expires 7/1/2023</p>

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<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>HB 1758 - Increasing the penalty for hazing</p>	<p>RCW 28B.10.901</p> <ul style="list-style-type: none"> - increases penalty for hazing from misd to gross misd - creates a new class C felony when hazing causes substantial bodily harm <p>RCW 9.94A.515 - ranks hazing causing substantial bodily harm as a SL 3 offense</p>
<p>HB 1844 - Creating the offense of unlawful branding of another person</p>	<p>New Section - creates a new class B felony for unlawful branding of another person</p> <p>RCW 9.94A.515 - ranks unlawful branding of another person as a SL 10 offense</p> <p>RCW 9A.04.080 - adds unlawful branding of another person to the list of offenses that may be prosecuted up to 10 yrs after commission or up to 30th birthday if victim was under 18.</p>
<p>HB 1848 - Concerning crimes concerning fraud in assisted reproduction</p>	<p>New Section</p> <ul style="list-style-type: none"> - creates a new class C felony for false representation in assisted reproduction when: <ul style="list-style-type: none"> > a person knowingly provides false information to a patient; > a health care provider knowingly uses or provides human reproductive material for assisted reproduction other than the material the health care provider agreed to be used or provided in writing; > a health care facility, gamete bank or fertility clinic provides material other than what was agreed to be provided, disregards agreements between donor and licensed entity, or fails to make a good faith effort to provide a child conceived by assisted reproduction with a donor's identifying information as required under RCW 26.26A.820. - each incidence of false representation constitutes a separate offense. <p>RCW 9A.04.080 - adds false representation in assisted reproduction to the list of offenses that may not be prosecuted more than 6 yrs after its commission or discovery.</p> <p>RCW 9A.36.031 - adds to the definition of assault 3 to implant gametes or reproductive material into a patient without the patient's written consent.</p> <p>RCW 9.94A.515 - ranks false representation in assisted reproduction as a SL 1 offense</p>

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<p>HB 1873 - Concerning crimes involving catalytic converter theft</p>	<p>RCW 19.290.070</p> <ul style="list-style-type: none"> - creates a new class C felony for second or subsequent violation of unlawful removal, alteration, or obliteration of identifying information of metal property in order to deceive a scrap metal business. - creates a new class C felony for second or subsequent violation of unlawful transaction to purchase or receive metal property where the identifying information has been deliberately and conspicuously removed or altered. - creates a new gross misd for any scrap metal business to purchase or receive stolen private metal property. Each offense is a civil infraction punishable by a \$1,000 fine. - creates a new gross misd for any owner, partner or employee of a scrap metal business to purchase or receive stolen private metal property. Each offense is a civil infraction punishable by a \$1,000 fine. <p>RCW 9.94A.515</p> <ul style="list-style-type: none"> - ranks unlawful removal, alteration, or obliteration of identifying information of metal property (second or subsequent offense) as a SL 2 offense. - ranks unlawful transaction to purchase or receive metal property (second or subsequent offense) as a SL 2 offense. <p>New Section - creates a special allegation to be pled and proven, when defendant has been convicted of theft 2, that the defendant stole private metal property for the purpose of selling, transferring, or exchanging it online.</p> <p>RCW 9.94A.533 - creates a 12 month enhancement to be added to the standard range for selling, transferring or exchanging online stolen private metal property.</p> <p>RCW 36.28A.240 - adds theft of catalytic converters to the grant program established by WASPC to assist local law enforcement with special enforcement emphasis targeting metal theft.</p>
<p>SB 5495 - Concerning catalytic converters</p>	<p>RCW 19.290.070</p> <ul style="list-style-type: none"> - creates a new gross misd for any scrap metal business to purchase or receive stolen private metal property. Each offense is a civil infraction punishable by a \$1,000 fine.
<p>SB 5667 - Concerning the possession and use of forged and falsified COVID-19 vaccination documents</p>	<p>New Section</p> <ul style="list-style-type: none"> - creates new misd offense of presenting a false vaccination document. - creates new unranked class C felony offense of selling, possessing with intent to sell a vaccination document that falsely purposed to be a verification issued by a govt agency.
<p>SB 5674 - Concerning the graduated reentry program at the department of corrections</p>	<p>RCW 9.94A.733</p> <ul style="list-style-type: none"> - Removed language excluding certain persons from participating in the graduated reentry program. - Adds language that no more than final 6 mos of term may be served in partial confinement as home detention in GRE. Persons must serve at least 12 mos in total confinement in a state correctional facility to participate in GRE.

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<p>SB 5780 - Altering eligibility for the graduated reentry program</p>	<p>RCW 9.94A.733</p> <ul style="list-style-type: none"> - changes participation criteria related to time a person must serve in total confinement from at least 6 to at least 12 months. - changes the amount of time a person can serve in partial confinement in GRE program from 5 to 4 months. - modifies the exclusion criteria for program eligibility: <ul style="list-style-type: none"> *from currently serving a term for any sex offense to having a prior or current conviction for a sex offense; *from currently serving a term for any viol offense to having a prior or current conviction for a viol offense; *from currently serving a term for any crime against a person to having a prior or current conviction for a crime against a person. <p>RCW 9.94A.728 - changes the amount of time that may be served in partial confinement as part of GRE program from 5 to 4 months.</p>
<p>SB 5711 - Concerning repealing an unconstitutional ban on contracting with private prisons in the state of Washington pursuant to the 9th circuit ruling in The Geo Group v. Newsom</p>	<p>New Section - repeals legislation that prohibits the use of private, for-profit prisons and detention facilities in the state. RCW 70.395.010 (findings - intent); RCW 70.395.020 (definitions); RCW 70.395.030 (prohibition on private incarceration); RCW 70.395.900 (construction); RCW 70.395.901 (effective date).</p>
<p>SB 5592 - Eliminating the cost of supervision assessments charged to offenders 1/14/22 Public Hearing: S Law & Justice @ 9:30a</p>	<p>RCW 9.94A.74504 - removes language allowing DOC to charge persons transferred to WA via interstate compact an application processing fee.</p> <p>RCW 9.95.214 - removes language allowing a county probation dept from collecting supervision intake fees for persons placed on probation for a misd or gross misd.</p> <p>New Section - repeals RCW 72.11.040 (cost of supervision fund) and RCW 72.04A.120 (parolee supervision intake fees) and RCW 9.94A.780 (offender supervision intake fees).</p>

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<p>HB 1818 - Promoting successful reentry and rehabilitation of persons convicted of criminal offenses</p>	<p>RCW 9.94A.729 - increases the time period persons can receive rental vouchers from 3 to 6 mos.</p> <p>RCW 72.02.100 - expands who DOC can provide temporary housing assistance to any state correctional facility and expands the time period to receive that assistance from 3 to 6 mos if it will prevent housing instability or homelessness of the person who is released.</p> <p>RCW 9.94A.74504 - removes language allowing DOC to charge persons transferred to WA via interstate compact an application processing fee.</p> <p>RCW 9.95.214 - removes language allowing a county probation dept from collecting supervision intake fees for persons placed on probation for a misd or gross misd.</p> <p>New Section - repeals RCW 72.11.040 (cost of supervision fund) and RCW 72.04A.120 (parolee supervision intake fees) and RCW 72.11.040 (cost of supervision fund).</p>
<p>HB 1970 - Eliminating certain supervision-related fees charged to convicted persons</p>	<p>RCW 9.94A.74504 - removes language allowing DOC to charge persons transferred to WA via interstate compact an application processing fee.</p> <p>RCW 9.95.214 - removes language allowing a county probation dept from collecting supervision intake fees for persons placed on probation for a misd or gross misd.</p> <p>New Section - repeals RCW 72.11.040 (cost of supervision fund) and RCW 72.04A.120 (parolee supervision intake fees) and RCW 9.94A.780 (offender supervision intake fees).</p>