

**Summary of Legislative Bill Proposals
As of 2/2/23**

Bills with hearings scheduled for next week

Bills that are moving but have not yet been reviewed by SGC

Bill No.	Bill Title	Bill Summary	Sponsor	Committee
5035 SB	Concerning possession of controlled substances.	<ul style="list-style-type: none"> > Increases the penalty for possession of a counterfeit substance from a misdemeanor to an unranked class C felony. > Encourages PAs to divert such cases for a person's first 2 violations under this subsection. > Repeals RCW 10.31.115 (Drug possession - Referral to assessment and services) 	Padden	S Law & Justice 2/6/23 Pub hearing @ 10:30a
5536 SB	Concerning controlled substances, counterfeit substances, and legend drug possession and treatment.	<ul style="list-style-type: none"> > Separates Possession of a counterfeit CS from Create and Deliver a counterfeit CS > Changes penalty for possession of a counterfeit CS from class B felony to gross misdemeanor and encourages LE to offer referrals for assessments and services in lieu of legal system involvement. > Changes penalty for possession of a CS from a class C felony to a gross misdemeanor and encourages PA to divert such cases for assessment, treatment or other services in lieu of legal system involvement. > For the offense of possession of 40 g or less of cannabis, PA is encouraged to diver such cases for assessment, treatment or other services in lieu of legal system involvement. > PA are encouraged to diver misdemeanor offenses for possession of a legend drug for assessment, treatment or other services in lieu of legal system involvement. > Requires that local governments may enact drug paraphernalia regulation but requires it be specifically authorized by state law and consistent with this chapter. > Requires the court to advise the defendant and their attorney of the pretrial diversion program. > Adds that an individual convicted of certain drugs RCWs, who completes an approved SUD treatment program may petition the court for vacation of the conviction(s). > Requires HCA to adopt rules by 12/31/23 allowing a SUD treatment program to establish off-site medication units. > New section establishes a program in the dept to fund the construction costs necessary to start up SUD treatment programs in regions that lack access. 	Robinson Wilson, C	S Law & Justice 2/6/23 Pub hearing @ 10:30a

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<p>1613 HB 5467 SB</p>	<p>Encouraging treatment for possession of certain counterfeit drugs or controlled substances</p>	<ul style="list-style-type: none"> > Separates Possession of a counterfeit CS from Create and Deliver a counterfeit CS > Changes penalty for possession of a counterfeit CS from class B felony to gross misdemeanor punishable under Section 5 of this act. > Changes penalty for possession of a CS from a class C felony to a gross misdemeanor punishable under Section 5 of this act. > Adds that no warrant may be issued for FTA at arraignment if the person was not personally served with notice to appear for Possession of counterfeit CS, Possession of CS and Possession of 40+g of cannabis. > Section 5 - CLJ <ul style="list-style-type: none"> - Possess Counterfeit CS/Possess CS - confinement shall be suspended for no more than 2 years if person agrees to submit to a SUD assessment and comply with treatment. - Poss Legend Drug - confinement up to 90 days shall be suspended for no more than 1 yr if person agrees to submit to a SUD assessment and comply with treatment. - If person refuses, confinement for no less than 45 days. - SUD assessment and treatment as ordered by the court shall be provided at no cost to sentenced persons found to be indigent. - Court shall have authority to sanction for unsatisfactory performance by individual. > The Court must vacate the conviction upon verification that an individual successfully complete SUD treatment program as required under Section 5. > Effective date: immediate 	<p>Rule Mosbrucker Salomon</p>	<p>S Law & Justice 2/6/23 Pub hearing @ 10:30a</p>
<p>5624 SB</p>	<p>Implementing the recommendations of the substance use recovery services advisory committee</p>	<p>Part 1 - Decriminalization of Possession of a Personal Amount of a Counterfeit Substance, CS, or Legend Drug for Persons 21 yrs or older</p> <ul style="list-style-type: none"> > Makes possessing more than a personal amount of or possessing when under age 21 a counterfeit substance/CS/legend drug a misdemeanor. Prosecutors are encouraged to divert such cases for assessment, treatment or other services. > Adds section where the state fully occupies and preempts the entire field of drug paraphernalia regulation. <p>Part 2 - Providing Legal Advocacy for Parents and Families Affected by SUDs in Dependency and Child Custody Cases</p> <p>Part 3 - Funding, Promotion and Training for Recovery Residences</p> <ul style="list-style-type: none"> > Funding for adequate and equitable stock of recovery residences, create a voucher program, conduct outreach, develop training for housing providers 	<p>Dhingra</p>	<p>S Law & Justice 2/6/23 Pub hearing @ 10:30a</p>

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		<p>Part 4 - Training for Parent of Children with SUD and Caseworkers within the DCYF</p> <p>Part 5 - Removing Language Prohibiting "Giving" or "Permitting to Give" Drug Paraphernalia</p> <p>Part 6 - Data Support for Recovery Navigator Programs</p> <ul style="list-style-type: none"> > HCA to develop and implement a data integration platform by 6/30/24 to serve as a common database > HCA to contract with WSIPP to study long-term effectiveness of recovery navigator program <p>Part 7 - Establishing Rules and Payment Structures for Health Engagement Hubs</p> <p>Part 8 - Education and Employment Pathways</p> <ul style="list-style-type: none"> > HCA to establish grant program for providers of employment, education, training, certification and other supportive programs. <p>Part 9 - Providing a Statewide Directory of Recovery Services</p> <p>Part 10 - Investing Adequately in Statewide Diversion Services</p> <ul style="list-style-type: none"> > Increase state funding for evidence-based prearrest and prefiling diversion programs, to include crisis stabilization units, mobile crisis response services, recovery navigator programs and LE assisted diversion. <p>Part 11 - Streamlining SUD Treatment Intakes</p> <p>Part 12 - Establishing the Safe-Supply Work Group</p> <ul style="list-style-type: none"> > Creates work group with purpose of evaluating potential models for safe supply services <p>Part 13 - Opioid Treatment Program Rural Access and Expansion</p>		
<p>1394 HB 5543 SB</p>	<p>Creating a developmentally appropriate response to youth who commit sexual offenses</p>	<ul style="list-style-type: none"> > Creates state-funded grant program for defense attorneys and counties to apply for funding for sex offender evaluation and treatment programs. > Broadens the definition of 'certified sex offender treatment provider' and 'certified affiliate sex offender treatment provider'. > Defines adult as one who is 18 yrs or older on the offenses date or who is convicted of and sentenced for an offense in adult court pursuant to RCW 13.04.030(1)(e)(v) or 13.40.110. > Adds requirements for when a juvenile convicted of a sex offense needs to register with the sheriff: <ul style="list-style-type: none"> - Committed class A or B sex offense when the person was 16 or 17 and did not receive a SSODA. - Committed a sex offense and on the same date, had a prior conviction for a sex offense per RCW 9A.44.128 or had a deferred disposition for a sex offense. 	<p>Senn Goodman Simmons</p> <p>Frame Wilson, C</p>	<p>H Human Services, Youth, & Early Learning</p> <p>S Human Services 2/7/23 Pub hearing @ 10:30a S HS</p> <p>(SOPB Recommendations)</p>

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		<ul style="list-style-type: none"> - Has a SSODA revoked for a class A or B sex offenses that was committed when the youth was 16 or 17. - Has an out of state, tribal, or federal conviction, or - Committed a kidnapping offense. > Modifies definition of class C felony FTR-SO to adults only and makes juvenile FTR-SO a gross misdemeanor. > Changes the time period a juvenile is required to register to end in 2 yrs after the last date of release from confinement (incl full-time residential treatment) or entry of disposition if the court does not extend the registration period up to an additional 2 yrs following a motion from the PAO. The court must find clear and convincing evidence that the registration period must be extended to ensure public safety. > Eliminates the language related to the presumption that person who completes a SSODA sentence is sufficiently rehabilitated to warrant removal from the central registry of sex offenders. > New section extinguishes any existing legal obligation for juveniles to register as a SO on the effective date of this section if person no longer has duty to register per new requirements. For those who do, the obligation shall extinguish 2 yrs after last date of release from confinement, incl FT res treatment or entry of disposition unless the court extends the registration period. > Requires each registering agency to conduct an individual review and remove all persons from the sex offender registry whose obligation is based on offense committed while under 18. > Effective date: November 1, 2023 		
5056 SB	Establishing a special allegation for habitual property offenders.	<ul style="list-style-type: none"> > Creates a special allegation for habitual property offenders requiring a finding of fact. <ul style="list-style-type: none"> - Current offense is res burg, burg 2, theft 1 or 2, theft of a FA, unlawful issuance of checks, org retail theft, theft w/special circumstances, mail theft - CHS is 9 or higher - At least 5 CHS points are from any combination of above mentioned offenses - Person committed 3 or more property crimes within 180 days > Sentence enhancements: <ul style="list-style-type: none"> - Class B felony = 24 mos - Class C felony = 12 mos - are mandatory and shall be served in total confinement. 	Padden	S Law & Justice 2/9/23 Exec session @ 8a

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5644 SB	Concerning juvenile records	<ul style="list-style-type: none"> > Changes official juvenile court file from being open to public inspection to "all records related to the commission of juvenile offenses, including records related to diversions" to be confidential and only releasable as provided under this chapter, RCW 13.40.215 (Juvenile Committed a Violent, Sex or Stalking offense) to chief of police, sheriff, and others, and under RCW 4.24.550 (Sex offenders and kidnapping offenders - release of information to public - website) > New section states that legal entities capable of being used in courts of law that disseminate sealed or destroyed juvenile records shall be subject to legal action for damages. > Requires the court to provide notice of the juvenile's eligibility for record sealing to the youth and the victims of the offense. > Allows that a person whose records are eligible for sealing may be provided access to an attorney for assistance with the sealing process. 	Frame Wilson, C	S Human Services 2/7/23 Pub hearing @ 10:30a
1696 HB	Concerning stalking-related offenses	<ul style="list-style-type: none"> > Modifies the definition of Stalking > Creates exceptions to the definition such as in the case of LEO, PO, tracking authorized by state or federal court, parent or legal guardian of a minor, fleet vehicles, etc. > Repeals RCW 9A.90.130 - Cyberstalking 	Davis Mosbrucker	H Comm Safety, Justice & Reentry 2/6/23 Pub hearing @ 1:30p
5160 SB	Concerning organized retail theft.	<ul style="list-style-type: none"> > Modifies the definition of Organized Retail Theft 2 to include when a person commits theft of property with a cumulative value of at least \$750 from a mercantile establishment with no less than 2 accomplices and each accomplice enters the mercantile establishment within 5 min of each other seeking participation in the theft. 	Torres	S Rules 1/27/23 Passed to Rules for 2nd reading 1/26/23 Passed S L&J
1002 HB	Increasing the penalty for hazing.	<ul style="list-style-type: none"> > Increases hazing to a gross misdemeanor > Adds new level of hazing that causes substantial bodily harm as a class C felony. > Adds felony hazing to the list of Crimes Against Persons > Ranks felony hazing at a seriousness level 3 > Adds felony hazing to the list of offenses considered as harassment > New section titles the act as the Sam Martinez Stop Hazing law 	Leavitt	H Rules 1/27/23 Ref'd to Rules 2 review 1/26/23 Passed H CSJR

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<u>1150 HB</u>	Creating the offense of unlawful branding of another person.	<p>> Creates the offense of Unlawful Branding when: - marks another's boy with subdermal implant, tattoo or body art that is intended to be used to track or mark the person for ownership to engage in trafficking of the person or promoting prostitution. - uses force, fraud or coercion to cause a person to have their body marked for the purposes of tracking or ownership to engage in trafficking of the person or promoting prostitution</p> <p>> Offense is a class B felony and ranked at SL 5</p> <p>> Adds Unlawful Branding to list of offenses that may be prosecuted up to 10 years after its commission or, if committed against a victim under 18, up to the victim's 30th birthday, whichever is later.</p>	Mosbrucker	<p>H Rules 1/27/23 Ref'd to Rules 2 review</p> <p>1/26/23 Passed H CSJR</p>
<u>1160 HB</u>	Concerning an aggravating circumstance for the mutilation or dismemberment of a human body.	<p>> Adds "during commission of current offenses, defendant mutilated or dismembered a human body" as an aggravating factor to be considered by a jury</p>	Graham	<p>H Rules 1/27/23 Ref'd to Rules 2 review</p> <p>1/26/23 1st sub passed H CSJR</p>

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1268 HB	Concerning sentencing enhancements	<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. > Eliminates provisions that all 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 FA/DW enhancements shall run consecutively; adds language allowing the court to order multiple FA/DW enhancements to run consecutively; eliminates language where a FA/DW or sex mot enhancement term may not be reduced if it increases the sentence beyond the stat max; eliminates the requirement that sex mot enh must be calculated before earned release time is credited. > Eliminates the requirement that the Mfg Meth - Presence of a Child enh run concurrently to all other sentencing provisions. > Eliminates the criminal street gang enhancement > Eliminates language restricting application of good time credits or earned release time on FA, DW, impaired driving and minor child enhancements. > Eliminates the requirement that individuals to be notified of changes regarding armed offenders on the subject of removal of good time for any and all DW enh. > Repeals RCW 9.94A.833 (Special allegation - Involving minor in felony offense) and RCW 69.50.435 (Protected Zone enhancement) 	Goodman Simmons	<p>H Comm Safety, Justice and Reentry</p> <p>2/2/23 Exec session @ 8a</p>
1324 HB	Concerning the scoring of prior juvenile offenses in sentencing range calculations.	<ul style="list-style-type: none"> > Adds language so that adjudications of guilt pursuant to Title 13 RCW may not be included in the offender score, RCW 9.94A.030 notwithstanding. > Eliminates references that scoring applies to both adult and juvenile prior convictions. > Adds language so that neither out of state or federal adjudications or convictions for juvenile offenses may be included in the offender score. > Eliminates all juvenile scoring point references. > Entitles a resentencing hearing to persons convicted prior to effective date of section and whose score includes juvenile offense. 	Hackney Simmons	<p>H Comm Safety, Justice and Reentry</p> <p>2/2/23 Exec session @ 8a</p>

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<p>1396 HB</p>	<p>Concerning persons sentenced for aggravated first degree murder committed prior to reaching 21 years of age.</p>	<ul style="list-style-type: none"> > A person convicted of aggravated murder prior to their 21st birthday, instead of 18th birthday, shall be sentenced to total confinement for not less than 25 yrs. > Gives the ISRB authority to sanction community violations under Section 6 of the bill. > Adds Section 6 to the list of sentences for which an individual may not receive earned early release during the minimum term of confinement. > Changes from prior to the 16th birthday to 18th birthday when a person convicted of aggr murder shall receive a max term of life and a min term of 25 yrs. > Persons convicted of aggr murder committed when person is 18 but less than 21 shall be sentenced to max term of life and min term of no less than 25 yrs if the court determines that mitigating factors that account for diminished culpability of youth justify a downward departure. If no downward departure is not justified, person shall be sentenced to LWOP. > Section 6 - a person sentenced to LWOP prior to 7/1/23 for offense committed when person was 18 but less than 21 shall be returned to the sentencing court. <ul style="list-style-type: none"> - Court's order setting min term is subject to review to the same extent as a min term decision by the parole board before 7/1/1986. > Applies to all sentencing hearings conducted on or after 7/1/23 regardless of the date of a person's underlying offense. > Effective date: 7/1/23 	<p>Goodman</p>	<p>H Community Safety, Justice & Reentry</p> <p>2/2/23 Exec session @ 8a</p>
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