

**Summary of Legislative Bill Proposals  
As of 2/9/23**

Bills with hearings scheduled for next week or were tabled at last meeting

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

Bill No.	Bill Title	Bill Summary	Sponsor	Committee
<a href="#">1325 HB</a>  5451 SB	Allowing qualifying persons serving long sentences committed prior to reaching 25 years of age to seek review for possible release from incarceration	<ul style="list-style-type: none"> <li>&gt; Increases the age at which aggravated murder was committed from 18 to 25 in which the person shall be sentenced to a term of total confinement for not less than 25 yrs.</li> <li>&gt; Eliminates language related to sentencing of persons convicted of aggr murder that occurred when they were between 16 and 18 yrs old and the mitigating factors related to <i>Miller v AL</i> the court must consider.</li> <li>&gt; Allows persistent offenders to be released from confinement by the ISRB under RCW 9.94A.730 or 10.95.030(3)</li> <li>&gt; Modifies language so that persons convicted of one or more crimes committed prior to the person's 25th birthday, instead of 18th, may petition the ISRB for early release after serving no less than 15 yrs, instead of 20 yrs, provided the person has not been convicted for a crime committed subsequent to the person's 25th birthday, instead of 18th.</li> <li>&gt; Requires resentencing of persons convicted prior to the effective date to a term of LWOP for an offense committed between 16 and 25 yrs of age.</li> <li>&gt; Act is applied retroactively regardless of date of the offense or conviction.</li> </ul>	Hackney Simmons  Frame	H Comm Safety, Justice and Reentry  S Law & Justice  2/16/23 Exec session @ 8a 2/14/23 Pub hearing @ 10:30a S L&J

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<a href="#">1396 HB</a>	Concerning persons sentenced for aggravated first degree murder committed prior to reaching 21 years of age.	<ul style="list-style-type: none"> <li>&gt; 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.</li> <li>&gt; Gives the ISRB authority to sanction community violations under Section 6 of the bill.</li> <li>&gt; Adds Section 6 to the list of sentences for which an individual may not receive earned early release during the minimum term of confinement.</li> <li>&gt; 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.</li> <li>&gt; 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.</li> <li>&gt; 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"> <li>- 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.</li> </ul> </li> <li>&gt; Applies to all sentencing hearings conducted on or after 7/1/23 regardless of the date of a person's underlying offense.</li> <li>&gt; Effective date: 7/1/23</li> </ul>	Goodman	<p>H Community Safety, Justice &amp; Reentry</p> <p><del>2/2/23 Exec session @ 8a</del> 1/24/23 Pub hearing @ 4p H CSJ&amp;R 1/23/23 Pub hearing @ 1:30p H CSJ&amp;R</p>
<a href="#">5588 SB</a>	Concerning the mental health sentencing alternative.	<ul style="list-style-type: none"> <li>&gt; Allows the court to order treatment and supervision in another state under the MHSA</li> </ul>	Nobles	<p>S Law &amp; Justice</p> <p>2/16/23 Exec session @ 8a 2/14/23 Pub hearing @ 10:30a S L&amp;J</p>
<a href="#">5635 SB</a>	Concerning victims' rights	<ul style="list-style-type: none"> <li>&gt; Requires PA to notify the victim in any case, not just felony or DV, of trial and sentencing location details.</li> <li>&gt; Victim's safety be considered in bail determinations</li> <li>&gt; Court may take input from victim/survivor when setting trial date.</li> <li>&gt; Victim/survivor to be informed of notification services.</li> <li>&gt; State will provide funding to OCVA to support crime victim advocates and PA in their work to ensure right granted are protected.</li> </ul>	Braun Dhingra	<p>S Law &amp; Justice</p> <p>2/16/23 Exec session @ 8a 2/13/23 Pub hearing @ 10:30a S L&amp;J</p>

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<p>1769 HB  5644 SB</p>	<p>Concerning juvenile records</p> <p><b>Tabled from 2/3/23 Special mtg</b></p>	<p>&gt; 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)</p> <p>&gt; 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.</p> <p>&gt; Requires the court to provide notice of the juvenile's eligibility for record sealing to the youth and the victims of the offense.</p> <p>&gt; Allows that a person whose records are eligible for sealing may be provided access to an attorney for assistance with the sealing process.</p>	<p>Cortes</p> <p><b>Frame Wilson, C</b></p>	<p>H Human Services 2/6/23 Ref'd to H HS</p> <p><b>2/14/23 Exec session @10:30a S Human Services 2/7/23 Pub hearing @ 10:30a</b></p>
<p>5056 PSSB</p>	<p>Establishing a special allegation for habitual property offenders.</p> <p><b>Tabled from 2/3/23 Special mtg</b></p>	<p>&gt; Creates a special allegation for habitual property offenders requiring a finding of fact.</p> <ul style="list-style-type: none"> <li>- 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;</li> <li>- CHS is 9 or higher;</li> <li>- At least 5 CHS points are from any combination of above mentioned offenses; <del>or</del> and</li> <li>- Person committed 3 or more property crimes within 180 days</li> </ul> <p>&gt; Sentence enhancements:</p> <ul style="list-style-type: none"> <li>- Class B felony = 24 mos</li> <li>- Class C felony = 12 mos</li> <li>- are at the discretion of the court <del>mandatory and shall be served in total confinement.</del></li> </ul>	<p>Padden</p>	<p>S Law &amp; Justice</p> <p>2/9/23 Exec session @ 8a 2/7/23 Pub hearing @ 10:30a</p>
<p><a href="#">5160 SB</a></p>	<p>Concerning organized retail theft.</p>	<p>&gt; 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.</p>	<p>Torres</p>	<p>S Rules 2/1/23 Placed on 2<sup>nd</sup> reading by Rules</p> <p><b>1/26/23 Passed S L&amp;J</b></p>

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<a href="#">1002 HB</a>	Increasing the penalty for hazing.	<ul style="list-style-type: none"> <li>&gt; Increases hazing to a gross misdemeanor</li> <li>&gt; Adds new level of hazing that causes substantial bodily harm as a class C felony.</li> <li>&gt; Adds felony hazing to the list of Crimes Against Persons</li> <li>&gt; Ranks felony hazing at a seriousness level 3</li> <li>&gt; Adds felony hazing to the list of offenses considered as harassment</li> <li>&gt; New section titles the act as the Sam Martinez Stop Hazing law</li> </ul>	Leavitt	<p>H Rules 1/27/23 Ref'd to Rules 2 review</p> <p><b>1/26/23 Passed H CSJR</b></p>
<a href="#">1150 HB</a>	Creating the offense of unlawful branding of another person.	<ul style="list-style-type: none"> <li>&gt; 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</li> <li>&gt; Offense is a class B felony and ranked at SL 5</li> <li>&gt; 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.</li> </ul>	Mosbrucker	<p>H Rules 1/27/23 Ref'd to Rules 2 review</p> <p><b>1/26/23 Passed H CSJR</b></p>
<a href="#">1160 SHB</a>	Concerning an aggravating circumstance for the mutilation or dismemberment of a human body.	<ul style="list-style-type: none"> <li>&gt; Adds "during commission of current offenses, defendant intentionally mutilated or dismembered a human body" as an aggravating factor to be considered by a jury</li> </ul>	Graham	<p>H Rules 1/27/23 Ref'd to Rules 2 review</p> <p><b>1/26/23 1st sub passed H CSJR</b></p>

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<p><a href="#">1268 HB</a></p>	<p>Concerning sentencing enhancements</p>	<ul style="list-style-type: none"> <li>&gt; 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.</li> <li>&gt; 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.</li> <li>&gt; Eliminates the requirement that the Mfg Meth - Presence of a Child enh run concurrently to all other sentencing provisions.</li> <li>&gt; Eliminates the criminal street gang enhancement</li> <li>&gt; Eliminates language restricting application of good time credits or earned release time on FA, DW, impaired driving and minor child enhancements.</li> <li>&gt; 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.</li> <li>&gt; Repeals RCW 9.94A.833 (Special allegation - Involving minor in felony offense) and RCW 69.50.435 (Protected Zone enhancement)</li> </ul>	<p>Goodman Simmons</p>	<p>H Comm Safety, Justice and Reentry 2/3/23 Ref'd to Rules <b>2/2/23 1st sub passed out of H CSJ&amp;R</b></p> <p>CTSF 2022 Rec #14 - eliminate Street Gang Enh</p> <p>CSTF 2022 Rec #16 - make all enh eligible for ERT</p>
<p><a href="#">1324 HB</a>  <b>5475 SB</b></p>	<p>Concerning the scoring of prior juvenile offenses in sentencing range calculations.</p>	<ul style="list-style-type: none"> <li>&gt; 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.</li> <li>&gt; Eliminates references that scoring applies to both adult and juvenile prior convictions.</li> <li>&gt; Adds language so that neither out of state or federal adjudications or convictions for juvenile offenses may be included in the offender score.</li> <li>&gt; Eliminates all juvenile scoring point references.</li> <li>&gt; Entitles a resentencing hearing to persons convicted prior to effective date of section and whose score includes juvenile offense.</li> </ul>	<p>Hackney Simmons  <b>Saldana</b></p>	<p>H Comm Safety, Justice and Reentry 2/6/23 Ref'd to Rules <b>2/2/23 Passed out of H CSJR</b></p> <p><b>S Law &amp; Justice 1/19/23 Ref'd to S L&amp;J</b></p>

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<p><a href="#">1189</a> <a href="#">SHB</a></p>	<p>Concerning the release of incarcerated individuals from total confinement prior to the expiration of a sentence.</p>	<ul style="list-style-type: none"> <li>&gt; Adds individuals granted conditional commutation pursuant to RCW 9.94A.885 to the list of persons that DOC shall supervise</li> <li>&gt; Changes the requirement for incarcerated individuals sentenced to LWOP to be considered for release from reaching age 60 and being judged as no longer a threat to society to having served at least 20 yrs in total confinement or 25 yrs if individual was sentenced for Agg Murder 1 and being judged as no longer a threat.</li> <li>&gt; Adds that incarcerated individuals convicted of a sex offense be held to the utmost scrutiny regardless of age.</li> <li>&gt; Adds that the release take the form of a commutation that includes a period of law-abiding behavior in the community.</li> <li>&gt; Allows an individual granted conditional commutation who violates community supervision conditions to be transferred to a more restrictive confinement statutes to serve the remaining portion of the sentence, less credit for time spent on community custody.</li> <li>&gt; Increases the Clemency and Pardons Board from 5 to 10 members and directs representation of board members             <ul style="list-style-type: none"> <li>- requires board members to understand principles of racial equity and restorative justice</li> <li>- required board to consider statements of victims and survivors of victims as well as statements from LE agencies</li> </ul> </li> <li>&gt; PAO will be notified at least 90 days, instead of 30 days, prior to scheduled hearing.</li> <li>&gt; Creates list of factors to be considered by board</li> </ul>	<p>Hackney</p>	<p>H Appropriations</p> <p>2/3/23 Ref'd to H Approps</p> <p><b>2/2/23 1st sub passed H CSJ&amp;R</b></p>
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<a href="#">1169 HB</a>	Concerning legal financial obligations.	<ul style="list-style-type: none"> <li>&gt; Creates the state crime victim and witness assistance account.</li> <li>&gt; Eliminates the court imposed crime victim penalty assessment and directs any amounts received by the court clerk imposed prior to effective date of section to be paid to the county treasurer and deposited into a crime victim and witness program fund.</li> <li>&gt; Allows the court to waive any crime victim penalty assessment imposed prior to the effective date of this section upon motion by a defendant</li> <li>&gt; Directs the legislature to fund the state DNA database account. 80% of funds may be used for operation and maintenance of database and 20% for distribution to agency responsible for collection of biological samples.</li> <li>&gt; Eliminates the \$100 DNA fee imposed on every sentence.</li> <li>&gt; Allows the court to waive any DNA fee imposed prior to the effective date of this section upon motion by a defendant</li> <li>&gt; Effective date 7/1/2023</li> </ul>	Simmons	<p>H Appropriations</p> <p>2/8/23 Pub hearing H Approps @ 4p</p> <p><b>1/27/23 Passed H CR&amp;J</b></p>
<a href="#">1770 HB</a>	Increasing the seriousness level of the crime of unlawful possession of a firearm	<ul style="list-style-type: none"> <li>&gt; Increases Unlawful Possession of a Firearm 1 from SL 7 to SL 8</li> <li>&gt; Increases Unlawful Possession of a Firearm 2 from SL 3 to SL 4</li> </ul>	Cheney	<p>H Civil Rights &amp; Judiciary</p> <p>2/6/23 Ref'd to H CR&amp;J</p>

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<p><a href="#">1798 HB</a></p>	<p>Concerning allowed earned release time for certain offenses and enhancements.</p>	<ul style="list-style-type: none"> <li>&gt; Removes language allowing correctional agency from crediting an incarcerated individual with earned release credits in advance of them actually earning the credits.</li> <li>&gt; Changes referral to 'early earned release time' to 'earned release time'</li> <li>&gt; Eliminates current earned release language.</li> <li>&gt; For term of confinement set to be completed on or after 7/1/23, an incarcerated individual may accrue ERT up to 33.33% of the total sentence.</li> <li>&gt; For consecutive sentences, it applies to current and future sentences to be serve but not any previously served, whether imposed under one or multiple judgments, including sentence enhancements except for:             <ul style="list-style-type: none"> <li>- federal and OOS sentences served in DOC custody; juvenile sentence under Title 13 RCW; LRA under Chapter 71.05 RCW; civil commitment under Chapter 10.77 RCW; mandatory minimums; persistent offender sentences; SSOSA; and Aggr Murder 1 imposed as an adult except for:</li> <li>- Aggr Murder 1 sentence imposed on a juvenile is ineligible for ERT during minimum term of confinement imposed by court; ERT may not exceed 33.33% on any remaining portion of sentence.</li> </ul> </li> <li>&gt; A person qualified to earn up to 50% ERT shall not lose ERT accrued before 7/1/23.</li> <li>&gt; Requires DOC to recalculate earned release date for currently incarcerated individuals. Recalculation shall apply to any term of confinement set to be completed on or after 7/1/23.</li> <li>&gt; Recalculations do not create any expectations that the % of ERT will be revised before 7/1/24 and no reason to conclude that the max % of ERT is an entitlement.</li> </ul>	<p>Doglio Simmons</p>	<p>H Community Safety, Justice &amp; Reentry</p> <p>2/8/23 Ref'd to H CSJ&amp;R</p> <p><a href="#">DOC Request Bill</a></p> <p>CSTF 2020 Rec #16 - Make all enh eligible for ERT</p> <p>CSTF 2020 Rec #17 - Leg to review ERT and consider increasing % for certain crimes for greater simplicity and consistency in calculations</p>
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