

**Summary of Legislative Bill Proposals
As of 2/16/23**

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

Bill No.	Bill Title	Bill Summary	Sponsor	Committee
5588 SSB	Concerning the mental health sentencing alternative.	<ul style="list-style-type: none"> > Requires the Department of Corrections (DOC) to include a diagnosis for the defendant in its written report when a defendant applies for a Mental Health Sentencing Alternative, and removes DOC's requirement to provide a proposed treatment plan from the provider that is agreeing to provide treatment. > Allows courts to waive a requirement for DOC and the treatment provider to provide written reports before progress hearings. > Allows treatment to occur in another state with jurisdiction over review and violation hearings retained in the county of sentencing. 	Nobles	<p>S Law & Justice</p> <p>2/10/23 SGC voted unanimously to support</p>
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	<p>H Rules</p> <p>1/27/23 Ref'd to Rules 2 review</p> <p>1/26/23 Passed H CSJR</p>
1150 HB	Creating the offense of unlawful branding of another person.	<ul style="list-style-type: none"> > Creates the offense of Unlawful Branding when: - marks another's body 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 > Offense is a class B felony and ranked at SL 5 > 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. 	Mosbrucker	<p>H Rules</p> <p>1/27/23 Ref'd to Rules 2 review</p> <p>1/26/23 Passed H CSJR</p>

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<u>1160 SHB</u>	Concerning an aggravating circumstance for the mutilation or dismemberment of a human body.	> Adds "during commission of current offenses, defendant intentionally mutilated or dismembered a human body" as an aggravating factor to be considered by a jury	Graham	H Rules 1/27/23 Ref'd to Rules 2 review 1/26/23 1st sub passed H CSJR
<u>1268 SHB</u>	Concerning sentencing enhancements	> 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	H Comm Safety, Justice, and Reentry 2/3/23 Ref'd to Rules 2/2/23 1st sub passed out of H CSJ&R CTSF 2022 Rec #14 - eliminate Street Gang Enh CSTF 2022 Rec #16 - make all enh eligible for ERT

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<u>1189 SHB</u>	<p>Concerning the release of incarcerated individuals from total confinement prior to the expiration of a sentence.</p>	<ul style="list-style-type: none"> > Adds individuals granted conditional commutation pursuant to RCW 9.94A.885 to the list of persons that DOC shall supervise > 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. > Adds that incarcerated individuals convicted of a sex offense be held to the utmost scrutiny regardless of age. > Adds that the release take the form of a commutation that includes a period of law-abiding behavior in the community. > 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. > Increases the Clemency and Pardons Board from 5 to 10 members and directs representation of 5 of the board members <ul style="list-style-type: none"> - requires board members to understand principles of racial equity and restorative justice - required board to consider statements of victims and survivors of victims as well as statements from LE agencies > PAO will be notified at least 90 days, instead of 30 days, prior to scheduled hearing. > Creates list of factors to be considered by board 	<p>Hackney</p>	<p>H Appropriations 2/3/23 Ref'd to H Approps</p> <p>2/2/23 1st sub passed H CSJ&R</p>
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<u>1396 HB</u>	Concerning persons sentenced for aggravated first degree murder committed prior to reaching 21 years of age.	<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 sentences 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. - Court's order setting min term is subject to review to the same extend 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 	Goodman	<p>H Community Safety, Justice & Reentry</p> <p>2/2/23 Exec session @ 8a 1/24/23 Pub hearing @ 4p H CSJ&R 1/23/23 Pub hearing @ 1:30p H CSJ&R</p>
<u>1770 HB</u>	Increasing the seriousness level of the crime of unlawful possession of a firearm	<ul style="list-style-type: none"> > Increases Unlawful Possession of a Firearm 1 from SL 7 to SL 8 > Increases Unlawful Possession of a Firearm 2 from SL 3 to SL 4 	Cheney	<p>H Civil Rights & Judiciary</p> <p>2/6/23 Ref'd to H CR&J</p>