

SGC Legislative Bill Proposals
As of 2/8/24

Previous Bills

Bill No.	Bill Title	Bill Summary	Sponsor	Committee
1798 SHB	Concerning allowed earned release time for certain offenses and enhancements.	<ul style="list-style-type: none"> > Removes language allowing correctional agency from crediting an incarcerated individual with earned release credits in advance of them actually earning the credits. > <u>Correctional agency may calculate but shall not give credit for earned release credit in advance of actually earning them.</u> > <u>Requires DOC to notify victims and survivors of victims any time ERT credits are recalculated.</u> > <u>Changes referral to 'early earned release time' to 'earned release time'</u> > <u>Does not permit application of new ERT % to offenses committed before 7/1/24</u> > Eliminates current earned release language. > <u>For term of confinement set to be completed For offenses committed on or after 7/1/2423, an incarcerated individual may accrue ERT up to 33.33% of the total sentence except for the following.</u> > 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"> - 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: - 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. > A person qualified to earn up to 50% ERT shall not lose ERT accrued before 7/1/23. > 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. > Recalculations do not create any expectations that the % of ERT will be 	Doglio Simmons	H Approps

SGC Legislative Bill Proposals
As of 2/8/24

Bill No.	Bill Title	Bill Summary	Sponsor	Committee
		revised before 7/1/24 and no reason to conclude that the max % of ERT is an entitlement.		
1999 SHB 5962 SB	Concerning fabricated intimate or sexually explicit images and depictions.	<p>> Creates definition for "Fabricated depiction of an <u>identifiable</u> minor" and 'digitization" <u>and modifies definition of 'visual or printed matter' to include, but is not limited to, any such photograph or other material that constitutes a fabricated depiction of an indentifiable minor.</u></p> <p>> Expands the equivalent criminal offenses involving non-fabricated depictions under current law to also prohibit the <u>dealing in, sending or bringing into the state, possessing, or viewing of fabricated depictions.</u></p> <p>> Creates new offense for "Disclosing Fabricated Intimate Images". First offense is a gross misdemeanor; second or subsequent offense is class C felony (unr).</p> <p>> Adds "Disclosing Fabricated Intimate Images" as a prior offense eligible as a second or subsequent offense that increases "Disclosing Intimate Images" as a class C felony (is unr).</p>	Orwall Mullet	<p>2/7/24 Placed on 2nd reading by H Rules</p> <p>S L&J</p> <p>1/12/24 SGC voted CON: SGC is concerned this may create a 1st Amendment issue. The result of the US Supreme Court case 2003 Ashcroft vs Free Speech Coalition determined that one cannot criminalize fake child pornography. SGC suggests this be investigated first to make sure there is no constitutional conflict.</p>
2048 SHB	Concerning supervision of domestic violence in criminal sentencing.	<p>> RCW 9.94A.030 - changes Assault 4 to Domestic Violence Assault 4 and removes language where DV is pleaded and proven.</p> <p>> RCW 9.94A.501 - eliminates the language where DV has been pleaded and proven (not noted in def of repetitive DV offense) for domestic violent felony offense and repetitive domestic violence offense references that DOC supervises.</p> <p>> RCW 9.94A.525 - eliminates the language where DV has been pleaded and proven related to scoring of felony domestic violence offenses.</p> <p>> <u>Requires the Department of Corrections to conduct an audit of its supervisory obligations for specified domestic violence offenses</u></p>	Mosbrucker Goodman	<p>2/15/24 Hearing @ 8a S L&J</p> <p>2/6/24 Passed House (97-0-0-1)</p> <p>1/5/24 SGC voted CON: The SGC opposes this bill in its current draft because it raises 6th Amendment concerns due to the elimination of language from RCW 9.94A.525.</p>

SGC Legislative Bill Proposals
As of 2/8/24

Bill No.	Bill Title	Bill Summary	Sponsor	Committee
6261 PSB	Concerning penalties for the theft and possession of stolen property, including theft from first responders.	<p>> Adds another prong to Possession of Stolen Property 1 and Theft 1 to include property or equipment used by firefighters or emergency medical service providers in the course of duties.</p> <p>> Increases Ranks the seriousness levels for PSP 1 - property of firefighters or EMS and Theft 1 - property of firefighter or EMS at SL 4 to SL 43 from SL 2.</p> <p>> RCW 9.94A.540 - adds mandatory minimums of 6 months to Stolen Property 1 and Theft 1 when convicted of possessing property or equipment used by firefighters or emergency medical service providers.</p>	Warnick	<p>2/6/24 Placed on 2nd reading by Rules</p> <p>1/26/24 SGC voted CON: The SGC opposes SB 6261 for the following reasons: 1) it adds complexity to the SRA, 2) as noted in the SGC's 2019 report on the Sentencing Reform Act, the use of mandatory minimums removes judicial discretion, hinders individualized sentencing, and can increase unwarranted disparity, and 3) this offense could apply to inexpensive items, for example, gloves or Band-Aids stolen from the ER.</p>

New Crimes

Bill No.	Bill Title	Bill Summary	Sponsor	Committee
2002 HB	Establishing criminal penalties for the public use of fentanyl or methamphetamine	<p>> Creates new offense when knowingly or intentionally combust or exhale fentanyl or meth smoke while in a public space and within 10 ft of another person or while inside an enclosed public space with another person.</p> <p>- Offense is gross misd unless other person is under age 13, then offenses is class C felony, ranked at SL 2 on drug grid.</p>	Low	H CSJR

SGC Legislative Bill Proposals
As of 2/8/24

Bill No.	Bill Title	Bill Summary	Sponsor	Committee
2078 HB	Improving school safety by extending and increasing penalties for interference by, or intimidation by threat of, force or violence at schools and school-related athletic activities.	<p>> RCW 28B.10.570 - Increases the offense for Interfering by Force or Violent with Any Administrator, Faculty Member or Student from a gross misd to a class C felony (unr).</p> <p>> RCW 28B.10.571 - Increases the offense for Intimidating Any Administrator, Faculty Member or Student by Threat of Force or Violence from a gross misd to a class C felony (unr).</p>	Schmidt	H CSJR
2358 HB	Making obstructing highways a crime.	<p>> NEW SECTION - creates a new gross misd for intentionally Obstructing Highways by walking, standing, etc. in a manner that blocks the ability of a vehicle to drive on a state highway.</p> <p>- If indiv is a leader or organizer of the people obstructing, it is a class C felony with a monetary penalty of at least \$5,000 which may not be reduced to less than \$1,000.</p> <p>> Creates a new class C felony for Obstructing Highways in Disregard for Public Safety with a minimum terms of 30 days and monetary penalty of at least \$5,000 which may not be reduced to less than \$1,000.</p> <p>- if prior violation of obedience to police officers, flaggers or firefighters (RCW 46.61.015 - misd), disorderly conduct (RCW 9A.84.030(1)(c) - misd), failure to disperse (9A.84.020 - misd), obstructing highways, obstructing highways in disregard for public safety, organizer or leader of obstructing highways in disregard for public safety or similar criminal behavior from other jurisdictions, a court finding violation under this section shall impose a minimum of 60 days and a monetary penalty of at least \$6,125 which may not be reduced to less than \$1,000.</p>	Barkis Mosbrucker	H CSJR
6160 SB	Concerning penalties for unlawfully obstructing traffic.	<p>> RCW 9A.84.020 - increases Failure to Disperse from a gross misd to a class C felony in instances when a person refuses to disperse from a public roadway and their refusal obstructs traffic.</p> <p>> RCW 9A.84.030 - increases Disorderly Conduct from a misd to a gross misd when a person violations subsection (1)(c) of this section.</p>	MacEwen	S L&J

SGC Legislative Bill Proposals
As of 2/8/24

Change in Crime Definitions

Bill No.	Bill Title	Bill Summary	Sponsor	Committee
2220 HB	Concerning violent offenses.	> RCW 9.94A.030 - adds to the definition of Violent Offense Unlawful M/D/P w/Intent to mfg or del opiates or similar drugs or substances classified in Sch II, heroin, a controlled subst classified in Sch I, a counterfeit subst classified in Sch II or a counterfeit subst which is heroin. > RCW 10.19.055 - adds violent offenses to the definition to offenses on which bail must be determined on an individualized basis by a judicial officer.	Rule	H CSJR
2477 HB	Expanding the circumstances that may constitute a major violation of the uniform controlled substances act.	RCW 9.94A.535 - Adds to the Aggravating Circumstances considered by a jury by expanding the definition of a major VUCSA to include the current offense involved the knowing delivery or distribution of fentanyl, precursor chemicals used in mfg of fentanyl or a counterfeit subst containing fentanyl and resulted in bodily harm, permanent impairment to cognitive functions or death.	Walsh	H CSJR
6051 SB	Concerning manslaughter when certain controlled substances are sold that result in death of the user.	RCW 9A.32.060 - adds to the definition of Manslaughter 1 when an indiv intentionally and unlawfully delivers a contr subst that is Sch I or II in viol of RCW 69.50.401(2)(a,b,c) and the contr subst is used by the person to whom it was delivered resulting in the death of the user.	Braun	S L&J
6070 SB	Concerning the most serious offenses.	RCW 9.94A.030 - adds to the list of offenses considered Most Serious: - Assault 3 - Burglary 2 - Residential Burglary - Robbery 2	Short	S L&J
6217 SB	Deterring robberies from retail establishments.	RCW 9.94A.832 - Under robbery of a pharmacy special allegation, robbery of a retail outlet and defendant committed robbery by using a vehicle to damage or gain access, and robbery of a retail outlet committed in concert with another indiv or individuals are added to the eligible list of offenses.	McCune	S L&J

SGC Legislative Bill Proposals
As of 2/8/24

Reentry – voting

Bill No.	Bill Title	Bill Summary	Sponsor	Committee
2030 HB	Revoking a person's voting rights only when convicted of a state crime punishable by death	<ul style="list-style-type: none"> > Known as the Free Vote Act. > Modifies definition of 'infamous crime' to not include felonies not punishable by death. > NEW SECTION - adds that a person's right to vote is revoked by reason of a criminal conviction only if that person is convicted of an infamous crime. > RCW 29A.08.520 - modifies language so that persons convicted of infamous crime will have their right to vote automatically restored when person is no longer serving total confinement under DOC. 	Simmons	1/16/24 Hearing @ 1:30p H St Govt & Tribal Relations

Reentry - pilot

Bill No.	Bill Title	Bill Summary	Sponsor	Committee
2057 HB	Creating a pilot project to assist incarcerated veterans' transition to civilian life.	<p>Directs the Dept of Veterans Affairs to initiate the Reintegration Support for Incarcerated Veterans pilot project. Purpose is to assist with reintegration into civilian life through education, employment and decreasing homelessness following release.</p> <ul style="list-style-type: none"> - Edmonds Community College must be the first site of the pilot project with a second location east of the Cascades, subject to appropriations. - Support will be provided through the use of reentry navigators. 	Ryu	H Innovation, Community & Econ Development, and Veterans

SGC Legislative Bill Proposals
As of 2/8/24

Department of Corrections

Bill No.	Bill Title	Bill Summary	Sponsor	Committee
5938 SB	Modifying the community parenting alternative for eligible participants in the residential parenting program at the department of corrections.	RCW 9.94A.6551 - adds that an incarcerated indiv not sentenced under 9.94A.655 (PSA) but otherwise eligible who is participating in the residential parenting program at DOC, no more than the final 18 mos of confinement may be served in partial confinement as home detention as part of the parenting program developed by DOC. - Adds definition of Residential parenting program.	Wilson, C	2/7/24 Placed on 2 nd reading by Rules
2303 HB	Modifying conditions of community custody.	> RCW 9.94A.704 - directs DOC to also include indiv's crime of conviction and risk of reoffense when establishing or modifying additional conditions of supervision. - adds that regardless of the indiv's date of sentencing, the add'l conditions need not be crime-related if the conditions relate to either the risk of reoffense or risk to community safety. - adds that, on motion of defendant, the court may amend substantive supervision conditions set by DOC if court determines there is no substantial risk to community safety. The time limit for collateral attacks est under RCW 10.73.090 does not apply to any motion filed pursuant to this section. > RCW 9.94A.709 - eliminates the specification of persons convicted of sex offenses and makes the statute applicable to all persons on community custody. - adds that, on motion of defendant, the court may amend substantive supervision conditions set by DOC if court determines there is no substantial risk to community safety. The time limit for collateral attacks est under RCW 10.73.090 does not apply to any motion filed pursuant to this section. > RCW 9.94A.730 (JUVBOARD) - adds that any person released by the ISRB pursuant to this section shall comply with conditions imposed or	Goodman Simmons	1/31/24 Ref'd to Rules

**SGC Legislative Bill Proposals
As of 2/8/24**

Bill No.	Bill Title	Bill Summary	Sponsor	Committee
		<p>modified pursuant to RCW 9.94A.704(1), in addition to court-imposed conditions.</p> <p>> RCW 9.95.420 - allows the ESRB to add supervision conditions based on crime of conviction, risk of reoffense, or risk to community safety. The add'l conditions need not be crime-related if they are related to either risk of reoffense or risk to community safety.</p> <p>> RCW 10.95.030 - adds that any person convicted of Agg Murder 1 for an offense committed prior to age 18 shall comply with conditions imposed or modified pursuant to RCW 9.94a.704(10) in addition to court-imposed conditions.</p> <p>> NEW SECTION - applies to all sentenced to comm custody before, on or after the effective date of this section.</p>		

Vacating Offense

Bill No.	Bill Title	Bill Summary	Sponsor	Committee
2227 HB	Vacating a conviction for driving under the influence, actual physical control of a motor vehicle while under the influence, or an offense considered a prior offense to such convictions.	<p>> RCW 9.96.060 - eliminates from the list of offenses where an indiv may not have the misd or gross mis record of conviction vacated when any of these are present: DUI, PC-DUI, or is considered a prior offense under RCW 46.61.5055 and the indiv has had subseq alcohol or drug violation within 10 yrs.</p> <p>- Adds language that every person convicted of DUI, PC-DUI or an offense considered a prior offense under RCW 46.61.5055 may apply to the sentencing court for a vacation of the conviction if the indiv has not had a subseq alcohol or drug-related traffic conviction in WA, another state or tribal court within 10 yrs of date of conviction. Court may vacate conviction if indiv qualifies.</p> <p>- Adds language establishing that a conviction vacated under this subsection qualifies as a prior conviction in determining a sentence for a conviction under RCW 46.61.520 if the Veh Hom occurred while driver was under the influence.</p>	Ortiz-Self	H CSJR

SGC Legislative Bill Proposals
As of 2/8/24

Pretrial Release

Bill No.	Bill Title	Bill Summary	Sponsor	Committee
6297 SB	Recognizing a court's authority to authorize a defendant's direct transfer from jail to inpatient or residential substance use disorder treatment.	NEW SECTION: allows a judge who establishes conditions of release under RCW 10.21.020/030 which includes payment of bail to change the release condition to a personal recognizance release with nonmonetary conditions if: <ul style="list-style-type: none"> - the defendant has an offer of admission to an inpatient or residential SUD treatment facility, and - a trusted individual is available to escort defendant from jail to treatment facility, > Defendant under subsec (1) may bring the court a motion for pretrial release at any time they are able to satisfy the conditions specified.	Gildon	S L&J

Reentry – Employment

Bill No.	Bill Title	Bill Summary	Sponsor	Committee
2225 HB	Giving people with criminal records who are rehabilitated a fresh start in occupational licensing in Washington.	> RCW 18.400.020 - requires the licensing authority to allow the indiv to have an informal meeting to address factors in subsec 2 (nature of offense). > RCW 18.400.030 - adds to the list on which the licensing authority may not disqualify an indiv based on vacated or overturned conviction, deferred adjudication, participation in a diversion program, nonviolent misd, conviction older than 3 yrs for which indiv was not incarcerated, or a conviction where the incarceration ended more than 3 yrs before the date of the authority's consideration, except for convictions related to criminal sexual act, aggr assault, aggr robbery, aggr abuse, neglect or endangerment of a child, arson, carjacking, kidnapping, manslaughter, homicide, and murder. > RCW 9.96A.020 - adds language that persons are not disqualified from employment by the state or local govts or from practicing, pursuing any occupation, trade, vocation for which a license or permit is required to be issued by the state or local govts because of a prior misd (already includes felony).	Thai	H Consumer Prot & Business

SGC Legislative Bill Proposals
As of 2/8/24

		<ul style="list-style-type: none"> - Restricts prior convictions from being considered if they have been sealed, dismissed, expunged, vacated, overturned, or pardoned; are a juv adjudication; a deferred adjudication or participation in a diversion program; a nonviolent misd; or a conviction older than 3 yrs for which indiv was not incarcerated or a conviction where the incarceration ended more than 3 yrs before the date of the authority's consideration. 		
--	--	--	--	--

Second Look

Bill No.	Bill Title	Bill Summary	Sponsor	Committee
2478 HB	Postconviction review, clemency, and pardons.	<ul style="list-style-type: none"> > RCW 9.94A.501 - adds that DOC shall supervise any indiv granted conditional commutation. > RCW 9.94A.565 - modifies eligibility for those sentenced to LWOP to be considered for release by removing the age (60) criterion, and adding to no longer being a threat to society, having served 20 yrs in total confinement or 25 yrs if the indiv was sentenced to Aggr Murder, and commutation that includes a period of law-abiding behavior in the community. > RCW 9.94A.633 - Adds a community custody violation sanction for those granted conditional commutation where the indiv may be transferred to a more restrictive confinement status to serve up to the remaining portion of the sentence, less credit for any period actually spent in the community or in detention awaiting disposition of alleged violation. > RCW 9.94A.880 - increases the Clemency and Pardons Board by adding 5 more members, making designations for 6 of those positions. <ul style="list-style-type: none"> - allows members to receive compensation. - requires each petition for commutation shall be reviewed by 5 board members selected randomly. > RCW 9.94A.885 - further defines commutation of sentences "of incarcerated individuals when the sentence no longer serves the interest of justice". <ul style="list-style-type: none"> - requires the board to consider statements by victims and survivors of victims, and law enforcement agencies that conducted investigation. - increases notification to PAO from 30 to 90 days 	Hackney Goodman	H CSJR

SGC Legislative Bill Proposals
As of 2/8/24

		<ul style="list-style-type: none">- directs PAO on obtaining victim impact statements- directs the board on providing notification to victims, etc.- allows the board to recommend conditions of commutation including term of comm cust up to length of court-imposed term of incarceration, partial confinement up to 6 mos, restriction on travel, NCOs, employment restrictions, etc.> NEW SECTION - outlines actions board may take in response to petitions and the factors and information the board shall consider when making its decision.- directs the board to consider a release plan for indiv.- lists the conditions for commutation the board may include.- allows petitioners who have been denied to file a new petition 3 yrs from date of denial.- allows information contained in petition or submitted to the board to be subject to public disclosure.> NEW SECTION - requires the board to provide the gov and legislature an annual report of its work, including names of persons granted clemency or pardons, crimes convicted by them and any known acts of recidivism.		
--	--	---	--	--