

**SGC Position on Legislative Bills  
2022 Legislative Session**

Bill Proposal	Position	Brief Description of Bill Proposal
<b>HB 1637– Allowing a court to mitigate a criminal sentence when the defendant was experiencing mental illness at the time of the offense</b>	<b>PRO</b>	Adds to the non-inclusive list of mitigating factors the "defendant's behavior was impacted by a mental health condition at the time of the offense".
<b>HB 1678 – Creating a domestic violence offender registry</b>	<b>CON</b>	<p><b>Requires WSP to maintain a central registry of individuals with serious DV (SDV) adult convictions or juvenile adjudications.</b></p> <ul style="list-style-type: none"> <li>- Defines qualifying DV offense and serious DV offender.</li> <li>- Registry will be available to public.</li> <li>- Creates rules as to how long person designated as SDV will remain on registry.               <ul style="list-style-type: none"> <li>- Indefinitely = qualifying offense is Class A offense or similar fed/out of state offense</li> <li>- 15 yrs = qualifying offense is Class B offense and in community for 15 consecutive yrs without felony or DV conviction</li> <li>- 10 yrs = in community for 10 consecutive yrs without felony or DV conviction</li> </ul> </li> <li>- 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.</li> <li>- Individuals must provide copy of application to change their name to WSP and may be denied the change.</li> </ul>
<b>HB 1681 - Modifying the requirements for vacating conviction records</b>	<b>No position</b>	<p><b>RCW 9.94A.640</b> - Requires the court to clear the record of conviction if the person meets the tests prescribed.</p> <p><b>RCW 9.96.060</b></p> <ul style="list-style-type: none"> <li>-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.</li> <li>-Modifies the reasons that a misd or gross misd conviction cannot be vacated.</li> </ul>

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<p><b>HB 1692 - 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</b></p>	<p><b>PRO</b>  Voted to support the elimination of drive-by aggravating circumstance under RCW 10.95.020(7)</p>	<p>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><b>HB 1715 - Concerning the membership of the sentencing guidelines commission</b></p>	<p><b>PRO</b>  Recommends academic position be non-voting</p>	<p><b>Increases the number of SGC members from 20 to 24.</b></p> <ul style="list-style-type: none"> <li>- Designates 1 of the 4 citizen members to be "one of whom has been formerly incarcerated in the state correctional system"</li> <li>- Adds Chair of the Minority and Justice Commission or designee as an ex officio member</li> <li>- Adds person representing interests of tribes</li> <li>- Adds behavioral health professional with experience working in criminal justice system; and</li> <li>- Adds person with knowledge of and expertise in academic research in criminology or sociology.</li> <li>- Directs the Gov to seek recommendations from WSIPP and relevant departments of WSU and UW in respect to the academic research position.</li> </ul>

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<p><b>HB 1756/SB 5639 - Concerning solitary confinement</b></p>	<p><b>No position</b></p>	<p><b>Solitary Confinement Restriction Act</b>  <b>RCW 72.68.010</b> - adds language that when an incarcerated individual under DOC is transferred to another state, the person may not be placed in solitary confinement unless certain criteria are met.  <b>RCW 72.09.015</b> - adds definitions for qualified medical provider, less restrictive intervention, solitary confinement, and vulnerable person.  <b>New Section</b> - restricts placement into solitary confinement with exceptions for emergency purposes, medical isolation, facility-wide lockdown, and voluntary request of confinement.  <b>New Section</b> - creates conditions of solitary confinement to be followed by DOC.  <b>New Section</b> - creates policies and procedures around solitary confinement and directs DOC to review status of each person in solitary confinement by 1/1/2023 and develop a plan to transition them to a less restrictive intervention or other appropriate setting.  <b>New Section</b> - requires a governing unit of a city or county operating one or more jails to compile specific information and report it to WASPC on the use of solitary confinement.</p>
<p><b>HB 1758 – Increasing the penalty for hazing</b></p>	<p><b>OTHER</b>            SGC does not take a position on the bill. It believes hazing behavior can be found under Assault offenses, thus adding complexity to SRA and creating different penalties for different people.</p>	<p><b>RCW 28B.10.901</b>            - increases penalty for hazing from misd to gross misd            - creates a new class C felony when hazing causes substantial bodily harm  <b>RCW 9.94A.515</b> - ranks hazing causing substantial bodily harm as a SL 3 offense</p>

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<p><b>2SHB 1818 – Promoting successful reentry and rehabilitation of persons convicted of criminal offenses</b></p>	<p><b>PRO</b></p>	<p><b>RCW 9.94A.729</b> - increases the time period persons can receive rental vouchers from 3 to 6 mos.</p> <p><b>RCW 72.02.100</b> - 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. Person may not receive combined total of vouchers in excess of six month for each release.</p> <p><b>RCW 9.94A.74504</b> - removes language allowing DOC to charge persons transferred to WA via interstate compact an application processing fee.</p> <p><b>RCW 9.95.214</b> - 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><b>RCW 9.94A.703</b> - eliminates payment of supervisions fees as a condition of community custody ordered by the court.</p> <p><b>RCW 9.94A.704</b> - eliminates the requirement to pay supervision fee assessment when on community supervision.</p> <p><b>RCW 9.94B.050</b> - eliminates the requirement to pay supervision fees when on community placement.</p> <p><b>RCW 36.18.016</b> - removes authority of clerk to impose annual fee of up to \$100 for collection of unpaid LFOs.</p> <p><b>New Section</b> - 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><b>SHB 1844 - Creating the offense of unlawful branding of another person</b></p>	<p><b>CON</b> SGC feels the behavior can be included under existing Assault offenses. Reducing the number of offenses reduces complexity. It is supportive of an amendment to allow financial support to victims for removal of branding/tattoo.</p>	<p><b>New Section</b> - creates a new class B felony for unlawful branding of another person. <b>RCW 9.94A.515</b> - ranks unlawful branding of another person as a SL 8 10 offense. <b>RCW 9A.04.080</b> - 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><b>HB 1874 - Reducing barriers to professional licensure for individuals with previous arrests or criminal convictions</b></p>	<p><b>PRO</b></p>	<p><b>RCW 18.400.020</b> - 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. <b>RCW 18.400.030</b> - 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>

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<p><b>SB 5348 - Concerning assisted reproduction</b></p>	<p><b>No position</b></p>	<p><b>New Section</b></p> <ul style="list-style-type: none"> <li>- creates a new class C felony for false representation in assisted reproduction when:               <ul style="list-style-type: none"> <li>&gt; a person knowingly provides false information to a patient;</li> <li>&gt; 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;</li> <li>&gt; 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.</li> </ul> </li> <li>- each incidence of false representation constitutes a separate offense.</li> </ul> <p><b>RCW 9A.04.080</b> - 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><b>RCW 9A.36.031</b> - adds to the definition of assault 3 to implant gametes or reproductive material into a patient without the patient's written consent.</p> <p><b>RCW 9.94A.515</b> - ranks false representation in assisted reproduction as a SL 1 offense</p>

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<p><b>SB 5572 - Implementing the recommendations of the WA state internet crimes against children task force</b></p>	<p><b>CON</b> The SGC does not take a position on the creation of the offenses. It does oppose ranking the juvenile offenses at seriousness levels on the adult standard grid.</p>	<p><b>RCW 9.68A.040</b> - 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><b>RCW 9.68A.053</b> - 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><b>RCW 9.94A.515</b></p> <ul style="list-style-type: none"> <li>&gt;Minor Dealing in Depictions of Another Minor 12 yrs or younger engaged in Sexually Explicit Conduct 1 ranked at SL 7</li> <li>&gt;Minor Dealing in Depictions of Another Minor 12 yrs or younger engaged in Sexually Explicit Conduct 2 ranked at SL 5</li> <li>&gt;Minor Financing or Selling Depictions of Another Minor Engaged in Sexually Explicit Conduct ranked at SL 5</li> </ul>
<p><b>SB 5573 - Concerning drug offender sentencing alternatives for offenders convicted of driving or control of a vehicle while under the influence</b></p>	<p><b>OTHER</b> The SGC supports the concept of DOSA for DUI offenses, noting interest in a prison DOSA due to the number of treatment opportunities available before getting felony offense.</p>	<p><b>Creates the special Drug Offender Sentencing Alternative for Driving Under the Influence</b></p> <ul style="list-style-type: none"> <li>- <u>Eligibility:</u> <ul style="list-style-type: none"> <li>&gt; No prior conviction for Veh Hom, Veh Aslt, felony DUI, felony DUI-PC and either</li> <li>&gt; Is convicted of felony DUI or felony DUI-PC</li> </ul> </li> <li>- <u>Sentencing - Court shall:</u> <ul style="list-style-type: none"> <li>&gt; Waive imposition of standard sentence range; and</li> <li>&gt; Impose sentence equivalent to prisonDOSA and subject to same requirements and restrictions if the low end of the std sentence range is &gt;24 mos; or</li> <li>&gt; Impose sentence consisting of resDOSA consistent with this section if the low end of the std sentence range is =&lt;24 mos. including: <ul style="list-style-type: none"> <li>*No more than 30 days in treatment facility if necessary; up to 6 mos residential treatment; 24 mos partial confinement (12 mos work release followed by 12 mos EHM); and 12 mos community custody.</li> </ul> </li> </ul> </li> <li>- Adds DOSA-DUI definition to 9.94A.030.</li> <li>- RCW 9.94A.660 - modifies DOSA eligibility to exclude more than 1 DOSA-DUI in prior 10 years</li> </ul>

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<b>SB 5588 - Concerning reentry and discharge planning for incarcerated individuals at the DOC</b>	<b>No position</b>	Requires DOC to develop an individual discharge plan and provide reentry linkage case management services.
<b>SB 5628 - Concerning cyber harassment, addressing concerns in the case of Rynearson v. Ferguson, and adding a crime of cyberstalking</b>	<b>OTHER</b> SGC invites the Legislature to consider if behavior is already captured under existing statutes or could be placed under an existing statute with minor changes to help reduce complexity.	<b>RCW 9.61.260</b> - renames the crime of Cyberstalking to Cyber Harassment and increases the criteria for the unranked felony level offense. Felony level Cyberstalking under this statute is a SL 3. <b>New Section</b> - creates a new crime of Cyberstalking. This offense has gross misd and unranked class C felony levels.
<b>2SSB 5663 - Establishing streamlined procedures for compliance with the State v. Blake decision in order to improve criminal justice system coordination, create efficiencies, and reduce costs</b>	<b>OTHER</b> Voted in support of concept of DOSA for DUI	

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<p><b>SB 5793 - Concerning stipends for low-income or underrepresented community members of state boards, commissions, councils, committees, and other similar groups</b></p>	<p><b>PRO</b></p>	<p><b>New Section</b></p> <ul style="list-style-type: none"> <li>- 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"> <li>&gt; Low income</li> <li>&gt; Part of an underrepresented demographic that will be directly or disproportionately impacted by decisions made by the group</li> </ul> </li> <li>- 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.</li> <li>- 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.</li> <li>- Individuals eligible for stipends are eligible for reasonable allowances for child and adult care reimbursement, lodging, and travel expenses.</li> <li>- 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.</li> <li>- OFM must convene a work group of state agencies to provide feedback and recommendations for model policies.</li> <li>- "Low income" means an individual whose income is not more than 400% of the federal poverty level, adjusted for family size.</li> </ul>
<p><b>SB 5927 - Concerning the safety and security of retail cannabis outlets</b></p>	<p><b>OTHER</b></p> <p>SGC takes no position on the bill but reminds Legislators that the CSTF is completing a comprehensive review of sentencing enhancements and suggest against making piecemeal changes.</p>	<p><b>RCW 9.94A.832</b> - Adds committing a robbery of a cannabis retail outlet to the special to the special allegation that results in a 12-month enhancement added to the standard sentence range.</p>