

**SGC Position on Legislative Bills
2024 Legislative Session
As of February 9, 2024**

Bill Proposal	Position	Brief Description of Bill Proposal
<p>HB 1325/SB 5451 - Allowing qualifying persons serving long sentences committed prior to reaching 25 years of age to seek review for possible release from incarceration</p>	<p>PRO</p>	<ul style="list-style-type: none"> -Raises the age for which a life sentence without parole is authorized from 18 years old to 25 years old. -Requires courts to sentence individuals convicted of Aggravated first-degree Murder where the offense was committed prior to the individual's twenty-fifth birthday, as opposed to the individual's eighteenth birthday, a maximum term of life imprisonment and a minimum term of total confinement of 25 years. -Expands provisions allowing certain individuals to petition the Indeterminate Sentencing Review Board for early release to include individuals convicted of crimes committed prior to the individual's twenty-fifth birthday, instead of the individual's eighteenth birthday, after serving no less than 15 years of total confinement in certain circumstances
<p>HB 1383 - Concerning people convicted of one or more crimes committed before the person's 18th birthday petitioning the indeterminate sentence review board for early release</p>	<p>PRO</p>	<ul style="list-style-type: none"> -Authorizes a person convicted of one or more offenses committed prior to age 18 to petition the Indeterminate Sentence Review Board (ISRB) for early release after reaching age 24 or older regardless of the amount of time the person has served in confinement, subject to meeting other eligibility criteria. -Authorizes the Department of Corrections (DOC) to provide rental vouchers to certain persons who successfully petition the ISRB for early release, and requires the DOC to gather data as recommended by the Washington State Institute for Public Policy related to rental voucher recipients. -Requires the DOC to maintain a list of housing providers that meet certain statutory requirements.
<p>HB 1396 - Concerning persons sentenced for aggravated first degree murder committed prior to reaching 21 years of age.</p>	<p>CON – SGC is concerned the language in Section 5 of the bill. Removal would resolve the concern.</p>	<ul style="list-style-type: none"> -Requires the sentencing court to impose a maximum term of life imprisonment and a minimum term of total confinement of 25 years for Aggravated Murder in the first degree where the perpetrator committed the crime at age 16 to 17. -Requires the sentencing court to impose a maximum term of life imprisonment and a minimum term of total confinement of no less than 25 years for Aggravated Murder in the first degree where the perpetrator committed the crime at age 18 to 20 if the court determines that certain mitigating factors justify a downward departure, or to instead

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		<p>impose life imprisonment without parole if the court determines that such factors do not justify a downward departure.</p> <p>-Requires resentencing for persons currently serving a sentence of life imprisonment without parole for an offense committed at age 18 to 20.</p>
<p>HB 1798 - Concerning allowed earned release time for certain offenses and enhancements.</p>	<p>PRO - The SGC supports HB 1798. In the SGC's 2019 report on its review of the Sentencing Reform Act, the SGC recommended making all enhancements eligible for good time as applied to the underlying sentence. This change would help decrease the complexity of calculating an incarcerated individual's expected release date. Similarly, the Criminal Sentencing Task Force's 2022 report included a recommendation to make all enhancements eligible for earned release time and partial confinement (Rec #16) and a recommendation that Legislature should review earned early release time and consider increasing the percentage for certain crimes and doing so in a way that provides greater simplicity and consistency in earned early release calculations (Rec #17).</p>	<p>-Modifies earned release time eligibility for individuals who are convicted of offenses committed on or after July 1, 2024, to allow earned release time of up to 33.33 percent of the total sentence for all categories that qualify, including certain sentencing enhancements.</p> <p>-Requires the Department of Corrections (DOC) to notify law enforcement, witnesses, and the victims and survivors of victims of specific crimes for which the incarcerated individual has been convicted of the individual's earned released date when the individual is transferred to the DOC, and any time the individual's earned release time credits are recalculated.</p>

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HB 1961/SB 6214 - Concerning animal cruelty in the first degree	OTHER – SGC has concerns about placing negligence mens rea at SL 3.	Classifies Animal Cruelty in the first degree as a seriousness level 3 offense regardless of how it is committed.
HB 1967 - Excluding any person who is convicted of a hit and run resulting in death from being eligible for a first-time offender waiver.	CON	Adds Hit and Run - Death offense to list of offenses excluded from FTOW
HB 1994 - Concerning judicial dismissal of a misdemeanor following completion of court-ordered conditions	OTHER - SGC takes no position on this bill but supports efforts to center rehabilitation and redemption. It is concerned that the pre-adjudicative nature of this proposal absent agreement by the parties is problematic as well as the lack of data collection and transparency to monitor who is granted the pre-adjudicative agreement and whether there is racial disproportionality in its application.	Authorizes the court, in its discretion or upon motion of either party, to dismiss a defendant's qualifying misdemeanor or gross misdemeanor charge upon the defendant's meaningful progress towards compliance with court-ordered conditions.
HB 1995/SB 5893 - Providing gate money to individuals releasing from custody prior to the expiration of their sentence	PRO	<ul style="list-style-type: none"> -Extends the provision of gate money to individuals transferring to partial confinement settings and community custody. -Aligns gate money for furloughed individuals with gate money requirements for other releases.

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<p>HB 1999/SB 5962 - Concerning fabricated intimate or sexually explicit images and depictions.</p>	<p>CON – The SGC is concerned this bill may create a 1st Amendment issue as the US Supreme Court has ruled that fake child pornography cannot be criminalized.</p>	<ul style="list-style-type: none"> -Expands certain criminal offenses prohibiting the dealing in, sending or bringing into the state of, possessing of, or viewing of depictions of a minor engaged in sexually explicit conduct to include circumstances involving fabricated depictions of an identifiable minor. -Establishes the offense of Disclosing Fabricated Intimate Images, which a person commits if the person discloses a fabricated intimate image of another person and knows or should know that the depicted person has not consented to disclosure, and that disclosure would cause harm to the depicted person. -Establishes a civil cause of action under the Uniform Civil Remedies for the Unauthorized Disclosure of Intimate Images Act for the nonconsensual, intentional disclosure or threatened disclosure of a fabricated intimate image. -Specifies that consent to the disclosure of a fabricated intimate image in the context of a civil action is valid only if the consent is set forth in a written agreement.
<p>2SHB 2001/SB 6037 - Providing judicial discretion to modify sentences in the interests of justice.</p>	<p>PRO</p>	<ul style="list-style-type: none"> - Known as the Judicial Discretion Act - Establishes a process for certain persons convicted of a felony offense to petition the sentencing court for a modification of the original sentence upon meeting specific eligibility criteria. - Requires the Office of Crime Victims Advocacy to establish a flexible fund for certain affected victims, contract with prosecuting attorney's offices to offer related victim advocacy services, and contract with an entity with expertise in victim services to provide related training for victim advocates. - Requires the Office of Public Defense to develop a triage plan to prioritize representation of incarcerated petitioners based on specified factors. - Requires the Department of Corrections (DOC) to provide written notice of the petition process to certain incarcerated persons who are or will become eligible to petition, and other relevant entities in the applicable judicial district. - Requires the DOC to make an individual reentry plan and the resources necessary to complete the plan available to incarcerated petitioners within six months of their expected release dates from total confinement.

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<p>HB 2048 - Concerning supervision of domestic violence in criminal sentencing.</p>	<p>CON – This bill raises 6th Amendment concerns due to the elimination of language from RCW 9.94A.525.</p>	<ul style="list-style-type: none"> -Removes the requirement that domestic violence was pleaded and proven in provisions relating to supervision of individuals convicted of specified domestic violence offenses. -Requires the Department of Corrections to conduct an audit of its supervisory obligations for specified domestic violence offenses.
<p>HB 2065/SB 5971 - Recalculating sentencing ranges for currently incarcerated individuals whose offender score was increased by juvenile convictions.</p>	<p>PRO – The SGC emphasizes to the Legislature the importance of adequately funding this bill.</p>	<p>Requires a court to resentence a person who meets specified criteria and whose offender score was increased by certain juvenile adjudications that are no longer scored under state law.</p>
<p>HB 2133 - Designating trespassing on a public school bus as a felony offense.</p>	<p>CON - The SGC believes current statutes already encompass this type of conduct.</p>	<ul style="list-style-type: none"> - Known as the Richard Lenhart Act - Creates new class C felony offense for "School Bus Trespass" when individual enters or remains unlawfully in a public school bus or commits intentional act that disrupts the normal operation of the bus. Ranks at SL 3.
<p>SHB 2153 - Deterring the theft of catalytic converters.</p>	<p>CON</p>	<ul style="list-style-type: none"> -Modifies the regulation of catalytic converter transactions to require a scrap processor or vehicle wrecker license instead of a scrap metal license. -Establishes new felony and gross misdemeanor crimes for Trafficking in, Possessing, Selling, or Offering to Sell Catalytic Converters, or intentionally altering or obliterating the vehicle identification number on a detached catalytic converter.
<p>HB 2154/HB 6063 - Modifying the definition of persistent offender to exclude convictions for offenses committed by someone under the age of 18 and providing for resentencing.</p>	<p>PRO</p>	<ul style="list-style-type: none"> -Requires resentencing hearings for persistent offenders with an underlying conviction for a most serious offense committed prior to the person turning 18 years old. -Modifies the definition of persistent offender by excluding convictions for a most serious offense that occurred when the person was under age 18.

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HB 2169 - Concerning a pilot program creating a healthier environment for correctional officers, department of corrections staff, and individuals within a correctional facility.	PRO - The SGC supports HB 2169 and recommends that racial disproportionality be included in the research elements required of DOC. It also emphasizes the importance of adequately funding the bill.	<ul style="list-style-type: none"> -Requires the Department of Corrections (DOC) to establish a four-year pilot program at the Washington State Penitentiary East Complex with the goals of improved communication between correctional officers, DOC staff, and incarcerated individuals and reducing recidivism. -Requires the DOC to select contact officers, train correctional officers on dynamic security tactics, and initiate appropriate improvement efforts as part of the pilot program.
SHB 2171 - Addressing financial aid grants for incarcerated students.	OTHER - The SGC is neutral on the language in SHB 2171 but supports programs to support education/ rehabilitation programs that promote public safety.	<ul style="list-style-type: none"> -Allows the Department of Corrections to require incarcerated individuals to apply for, but not utilize, federal and state financial aid grants for the cost of attendance in certain educational programming, if such programming is eligible for financial aid. -Allows incarcerated individuals to utilize federal and state financial aid for certain programming, if such programming is eligible for financial aid. -Requires the annual state agency report to the Legislature on postsecondary degree education programs and incarcerated individuals to add a complete list of postsecondary degree and certificate education programs offered at each state correctional facility, including enrollment and completion rates for each program.
HB 2177 - Concerning the membership and operation of the sex offender policy board.	PRO	<ul style="list-style-type: none"> -Changes the name of the Sex Offender Policy Board (SOPB) to the Sex Offense Policy Board. -Requires the SOPB to facilitate training and team building and reinstates conferences relevant to sex offense policy development. -Expands the membership of the SOPB to include 17 voting members representing specified backgrounds, roles, and entities.
HB 2178 - Establishing a pathway off lifetime community custody for individuals with sex offense convictions.	PRO	<ul style="list-style-type: none"> -Provides a framework for the Department of Corrections and the Indeterminate Sentence Review Board to discharge eligible individuals with sex offense convictions from community custody after a specified number of years. -Modifies the maximum term of community custody that a court may impose for an individual with a Special Sex Offender Sentencing Alternative sentence

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HB 2186 - Concerning deferred adjudications for juveniles.	PRO	<ul style="list-style-type: none"> -Replaces the juvenile court dispositional option called a "deferred disposition" with a "deferred adjudication" that defers the adjudication phase of the juvenile court process pending the juvenile's compliance with the terms imposed by the court (instead of the court entering a finding or plea of guilt before entering a deferred disposition, which defers the dispositional phase of the juvenile court process). -Expands eligibility for deferred adjudications to allow eligibility for juveniles with a robbery in the second degree charge and those with a previous deferred adjudication.
SHB 2203 - Creating a pilot project to assist incarcerated veterans.	PRO	<ul style="list-style-type: none"> -Creates a pilot project to assist incarcerated veterans with reentry into civilian life. -Appoints a reentry navigator to assist incarcerated veterans with a reentry plan that will address housing, employment, education, and access to services. -Provides a housing and reentry subsidy to assist veterans during the first year of civilian life.
SHB 2217 - Concerning authority over individuals found guilty of or accused of criminal offenses that occurred when the individual was under age 18.	PRO	<ul style="list-style-type: none"> -Provides juvenile court jurisdiction over cases when the person is accused of committing an offense under the age of 18 and charges are filed before the person turns 21. -Allows the juvenile court to retain jurisdiction to impose a standard range disposition up to the person's 23rd birthday when the person was adjudicated of an offense after turning 18. -Modifies discretionary decline hearing requirements to allow a hearing based on the juvenile's age at the time of the offense rather than at the time of the proceedings. -Alters jurisdiction and disposition provisions for juveniles adjudicated of certain crimes.
SHB 2303 - Modifying conditions of community custody.	CON - The SGC opposes SHB 2303 because this allows the ISRB the ability to add additional conditions regardless of the individual's date of sentencing. This creates an ex-post facto concern.	<ul style="list-style-type: none"> -Modifies the criteria by which the Indeterminate Sentence Review Board (ISRB) may modify or impose additional conditions of community custody to clarify that the conditions may be based on the person's crime of conviction, risk of reoffense, or risk to community safety. -Provides that, on the motion of a person on community custody, the court may amend the substantive conditions of community custody imposed by the court if there has been a substantial change in circumstances such that the condition is no longer necessary for community safety.

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<p>SHB 2390/SB 6200 - Concerning penalties related to eluding police vehicles and resisting arrest.</p>	<p>CON - The SGC is opposed to the mandatory community custody term for this offense. In its 2019 report to the Legislature on the Sentencing Reform Act, the SGC recommended legislative, judicial and agency discussions about eligibility for community supervision should be based on an individual’s Risk-Need-Responsivity and not solely on offense type. Data show that low- and moderate-risk individuals released from prison to serve a term of community supervision recidivate at higher rates than those who do not have a supervision term. To make prudent use of state resources, only persons who need or are at higher risk for re-offense should be considered for community custody terms.</p>	<ul style="list-style-type: none"> -Establishes procedures for the seizure, impoundment, redemption, and forfeiture of vehicles used in the crime of Attempting to Elude a Police Vehicle. -Requires one year of community custody, supervised by the Department of Corrections, for a person convicted of Attempting to Elude a Police Vehicle as an adult. -Requires 18 months of parole for a juvenile convicted of Attempting to Elude a Police Vehicle.

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<p>ESB 5032 - Concerning impaired driving. Extending the felony driving under the influence lookback to 15 years while providing additional treatment options through the creation of a drug offender sentencing alternative for driving under the influence.</p>	<p>OTHER - The SGC supports the idea of a sentencing alternatives for DUI offenses, however, they have a concern about the language that states when the midpoint is higher than 26 months, a motion for the sentencing alternative can only be made by joint agreement of the state and the defendant. The SGC believes this should remain under the discretion of the court.</p>	<ul style="list-style-type: none"> -Amends provisions relating to the definition of serious traffic offense, ignition interlock licenses and device restrictions, and driver abstracts. -Authorizes a person who participates in a deferred prosecution for a gross misdemeanor driving under the influence (DUI) or actual physical control of a vehicle under the influence (PC) charge to participate in a second deferred prosecution only in certain circumstances and provides that a second deferred prosecution for a DUI or PC offense counts as one point on a defendant's offender score. -Modifies requirements for participation in a deferred prosecution depending on the nature of the petitioner's underlying problem. -Changes the period for reviewing prior convictions of impaired driving from a 10-year period to a 15-year period for determining whether the current offense of impaired driving is a felony. -Creates a new drug offender sentencing alternative for individuals convicted of felony impaired driving offenses.

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<p>SSB 5056 - Establishing a special allegation for habitual property offenders.</p> <p>Racial and Ethnic Impact Statement submitted</p>	<p>CON - The SGC opposes SSB 5056 for the following reasons: 1) the bill adds complexity to sentencing, which the SGC, the CSTF and the Legislature have been trying to reduce, 2) it is unnecessary in light of the discretion judges can already exercise in cases such as these, 3) there are concerns about potential violations of the 6th Amendment per the USSC case Erlinger v US Armed Career Criminal Act (No.23-370) as this bill requires the judge to determine if person committed 3 or more property crimes within 180 days, and 4) it appears to have racially disproportionate impacts (see attached report from PSPRC). The CFC also noted language issues in its fiscal note.</p>	<p>Establishes a special allegation and sentencing enhancement that apply to certain felony robbery and theft convictions where the defendant is a habitual property offender.</p>
<p>SSB 5588 - Concerning the mental health sentencing alternative.</p>	<p>PRO – unanimous</p>	<ul style="list-style-type: none"> -Requires the Department of Corrections (DOC), in its presentence investigation report for a mental health sentencing alternative, to provide a diagnosis for the defendant's mental illness, rather than a proposed treatment plan. -Provides the court discretion to waive the requirement that the DOC and the treatment provider submit reports, prior to any progress hearing, informing the parties of the defendant's progress and compliance with treatment.

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<p>SSB 5841 - Requiring individuals convicted of offenses related to driving under the influence to pay financial support to minor children and dependents when the offense results in the death or disability of a parent.</p>	<p>CON - The SGC believes that this would better be served as a civil penalty.</p>	<p>Allows a court to order additional restitution in the form of financial support for a minor until the age of 18 when a person is sentenced for a crime involving driving under the influence that results in the death or permanent disability of the parent or guardian of a minor.</p>
<p>ESSB 5891 - Protecting the safety and security of students and maintaining order within school buses by designating trespassing on a school bus as a criminal offense. Designating trespassing on a public school bus as a felony offense.</p>	<p>CON - The SGC believes current statutes already encompass this type of conduct.</p>	<p>- Known as the Richard Lenhart Act - Creates new class C felony offense for "School Bus Trespass" when individual enters or remains unlawfully in a public school bus or creates a substantial risk of harm to passengers or the driver or impairment to services rendered by the bus. Ranks at SL 3. - Exempts students enrolled in school which is being serviced by the school bus who are under age 19.</p>
<p>SSB 5912 - Concerning reentry services and supports.</p>	<p>PRO - The SGC supports SB 5912. It emphasizes the importance of the Legislature adequately funding the bill.</p>	<p>Requires the Department of Corrections to develop an individual discharge plan and provide specified reentry services within one year prior to the discharge or release of an incarcerated individual.</p>

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<p>SB 5938 - Modifying the community parenting alternative for eligible participants in the residential parenting program at the department of corrections.</p>	<p>PRO</p>	<p>Allows individuals in the Residential Parenting Program to participate in the Community Parenting Alternative for up to the final 18 months of the person's term of confinement.</p>
<p>SSB 5953 - Concerning financial aid grants for incarcerated students.</p>	<p>OTHER - The SGC is neutral on the language in SB 5953 but supports programs to support education/ rehabilitation programs that promote public safety.</p>	<p>Allows incarcerated individuals to apply for and utilize federal and state financial aid grants for postsecondary education programs at the Department of Corrections.</p>
<p>SB 5981 - Concerning the indeterminate sentence review board.</p>	<p>PRO</p>	<ul style="list-style-type: none"> -Allows a person convicted of a crime committed prior to the person's 18th birthday to petition the Indeterminate Sentence Review Board for early release at age 24, provided the person has not been convicted of a Class A or Class B felony offense committed after turning 18, among other conditions. -Allows the Department of Corrections to provide rental vouchers to successful petitioners if rental assistance will allow the petitioner to safely release.
<p>SB 5998 - Timing of eligibility for vacation of nonfelony convictions.</p>	<p>CON - The SGC opposes this bill as currently written because of the requirement that all legal financial obligations be satisfied before an offense can be vacated. The SGC believes legal financial obligations should not be barriers to reentry.</p>	<ul style="list-style-type: none"> -Allows the three-year or five-year waiting period for vacation of conviction for a misdemeanor or gross misdemeanor offense to start when the person has completed all conditions of sentence except for payment of legal financial obligations. -Requires a person to pay all legal financial obligations before a court may vacate a conviction for a misdemeanor or gross misdemeanor.

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<p>SB 6184 - Concerning deepfake artificial intelligence-generated pornographic material involving minors.</p>	<p>CON – The SGC is concerned this bill may create a 1st Amendment issue as the US Supreme Court has ruled that fake child pornography cannot be criminalized and determined that the emphasis is on how the pornography is made and not what it communicates, e.g. if a child was not actually harmed in making it, then it cannot be criminalized.</p>	<p>-Creates new offense for Generating Obscene Images where the first offense is a gross misdemeanor and one or more prior convictions is a class C felony ranked at SL 4.</p>
<p>SB 6261 - Concerning theft from first responders. penalties for the theft and possession of stolen property, including theft from first responders.</p>	<p>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. 3) increasing these offenses is contrary to the ranking recommendation by the SGC.</p>	<p>-Creates an alternative method of committing possession of stolen property in the first degree. -Creates an alternative method of committing theft in the first degree.</p>