

**SGC Position on Legislative Bills
2025 Legislative Session
As of January 24, 2025**

Bill Proposal	Position	Brief Description of Bill Proposal as Pertains to the SGC
HB 1091 - Concerning sexually violent predators' ineligibility to earn supervision compliance credit.	CON	<ul style="list-style-type: none"> - Modifies RCW 9.94A.717 to exclude an individual with any cause being served concurrently with a Less Restrictive Alternative subject to supervision from earning supervision compliance credit.
HB 1111 - Concerning the indeterminate sentence review board.	PRO	<ul style="list-style-type: none"> - RCW 9.94A.730 - changes when persons convicted of one or more crimes committed prior to their 18th birthday may petition the ISRB for early release to reaching age 24 or older instead of having served no less than 20 yrs in confinement, adding that the person has not been convicted for any crime in the 12 mos prior to filing the petition (instead of subsequent to their 18th birthday). Adds requirements of the absence of any disqualifying serious infraction as defined by DCYF in 12 mos prior to filing petition and the current sentence was for Aggr Murder 1 or a Determinate Plus sentence. - Allows DCYF to provide rental vouchers to persons who is released by the ISRB if such assistance will allow person to safely release. - New Section - limits the number of petitions from persons eligible to petition the ISRB for early release to 70 per yr. The ISRB shall prioritize hearings with highest priority given to a) petitioners under the age of 25 in the custody of DCYF, and b) petitioners at DOC who most recently transferred from DCYF pursuant to RCW 72.01.410. Section expires on 7/1/2035. - Known as Youth Hope Act
HB 1119 - Concerning supervision compliance credit.	PRO - Concern: blanket exclusion of sentencing alternatives can cause unintended consequences. Citing sentencing alternative specifically denotes Legislative intention.	<ul style="list-style-type: none"> - RCW 9.94A.717 - modifies language so that supv compliance credit will be awarded to individuals in compliance with supervision terms, eliminating the requirement that they make progress towards the goals of their supervision plan, incl participation in certain interventions and programming. - Removes from list of ineligible criteria the RCWs of sentencing alternatives and replaces with the wording "any sentencing alternative under this chapter". - Adds to the list of ineligible criteria those who are subject to a governor's conditional commutation.

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<p>HB 1125/SB 5269 - 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 - Authorizes sentencing courts to review lengthy sentences upon a showing that a person's original sentence no longer serves the interests of justice. - Any person under total confinement may petition the sentencing court or its successor for a modification of sentence if the original sentence no longer serves the interests of justice if: <ol style="list-style-type: none"> 1. Beginning 7/1/2026 - <ol style="list-style-type: none"> a. the person has served 7 yrs for offense committed at age 17 or younger b. Person is terminally ill or experiences a permanent or degenerative medical condition that will not pose future threat to public safety. 2. Beginning 7/1/2027 - meets 1.a-b or has served at least 20 yrs for offense committed at age 18-24. 3. Beginning 7/1/2028 - meets 1.a-b or served at least 13 yrs for offense committed at age 18-24. 4. Beginning 7/1/2029 - meets 1.a-b or <ol style="list-style-type: none"> a. Served at least 13 yrs for offense committed at age 18-24 or b. Served at least 20 yrs for offense committed at age 25+. 5. Beginning 7/1/2030 - meets 1.a-b or <ol style="list-style-type: none"> a. Served at least 10 yrs for offense committed at age 18-24 or b. Served at least 17 yrs for offense committed at age 25+. 6. Beginning 7/1/2031 - meets 1.a-b or <ol style="list-style-type: none"> a. Served at least 10 yrs for offense committed at age 18-24 or b. Served at least 30 yrs for offense committed at age 25+. 7. Beginning 7/1/2032 - meets 1.a-b or served at least 10 yrs for offense committed at 18+. 8. If person does not meet any of these criteria, they may petition the court at any time with consent of the PA. - Petition must include statement by petitioner and supporting docs demonstrating they meet one or more of the following hearing requirements: - petitioner has demonstrated positive, engaged, and productive behavior while in custody that indicates substantial rehabilitation;

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		<ul style="list-style-type: none"> - petitioner has demonstrated minimal risk of reoffense which may include medical frailty. - Court may grant the petition and modify the petitioner's original sent if court finds it no longer advances interests of justice, provided any new sent imposed shall not be greater than original sent and provided that any new sent imposed shall be subject to the following restrictions: - RCW 9.94A.507 - court may modify min term but not max term or order release from custody; - Pursuant to RCW 9.94A.540, court may not modify sent below mand min term imposed; - In addition to mitigating factors under RCW 9.94A.535(1), court may consider factors when determining whether to modify petitioner's sentences (non-exhaustive list provided). - When modifying, court may impose an exceptional sent below the standard range based on evidence of signif rehab since the offense, and court may impose a sent below mand min term for 1 or more enhancements under RCW 9.94A.533. - If denied, petitioner may file new petition upon a showing of a change in circumstances no earlier than 3 yrs after denial unless court authorizes petitioner to file at an earlier date. - PAO shall make reasonable efforts to notify victims and survivors of victims of any hearing. - The OCVA shall create a flexible fund to serve victims and survivors of victims impacted by this act. - Court shall provide opportunity for victims and survivors of victims to present statements personally or by representation at the hearing. - Those eligible to petition and unable to afford counsel shall be entitled to have counsel appointed at no cost. - DOC shall provide written notice of this section to any incarcerated indiv sentenced to a term of >10yrs within provided time frames. - A person may not petition for modification of sent if original sent was for Persistent Offender or Aggr Muder.

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		<ul style="list-style-type: none"> - RCW 9.94A.535 - adds new mitigating circumstance related to petitions to the court for modification of sentence pursuant to Section 3 and the court considers at the hearing the nonexhaustive list of additional factors provided in the act.
HB 1131 - Concerning clemency and pardons	PRO	<ul style="list-style-type: none"> - RCW 9.94A.501 - Requires DOC to supervise and indiv granted conditional commutation if the gov includes a term of comm custody as a condition of commutation. - Allows the gov to impose a term of comm custody as a condition of conditional commutation or impose an additional term of comm custody due to a viol of conditional commutation. - RCW 9.94A.633 - if indiv violates comm custody, they may be transferred to a more restrictive confinement status to serve remaining portion of sentence, less credit for time spend on comm custody or in detention awaiting disposition of alleged violation. - RCW 9.94A.728 - adds to the list when indiv may be released prior to the expiration of their sentence releases pursuant to RCW 9.94A.885 (C&PB) - RCW 9.94A.880 - makes modifications to the specific perspectives to be represented by board members, term limits of board members, adds training requirements and compensation. Requires each commutation or pardon petition to be reviewed by a panel of 5 board members, selected by random drawing. - RCW 9.94A.885 - modifies that the board will make recommendations on commutation of sentences "of incarcerated individuals when the sentence no longer serves the interest of justice" and extends the time when the PAO will be notified prior to a scheduled hearing from 30 days to 90 days. - New Section - directs the C&PB to transmit to the gov and legislature an annual report of its work and specifies information to be included in report.
HB 1137 - Establishing uniform policies and procedures within department of corrections facilities relating to disciplinary proceedings and	PRO	<ul style="list-style-type: none"> - RCW 72.09.015 - adds definition of administrative segregation. - New Section - lists specific circumstances warranting admin seg, that it may not exceed 15 days unless exception is approved. - New Section - places the burden of establishing by a preponderance of the evidence that the alleged conduct occurred on the DOC facility, requires hearing officers to articulate the evidence that supports the officer's finding and record a summary of the facts and evidence supporting their decision. Defines preponderance of the evidence.

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administrative segregation.		
HB 1149/SB 5376 - Preventing cruelty to animals.	CON - Related to Section 7 only: > incongruent w/previous SGC unranked recommendations (Animal Fighting @ SL 3) > Incongruent w/other SL 4 offenses	<ul style="list-style-type: none"> - RCW 16.52.200 - increases the penalty for a 3rd or subsequent violation of a prohibition on owning, caring for, possession or residing with animals from a GM to an unranked class C felony. - RCW 9.94A.515 - increases Animal Fighting (w/intentional mutilation) to SL4 from Unranked (class B), and increases Animal Fighting (w/o intentional mutilation) to SL 3 from Unranked (class C).
HB 1152 - Enhancing public safety by establishing secure storage requirements for firearms in vehicles and residences.	CON - Section 1 contains language that already exists in Section 4	<ul style="list-style-type: none"> - Creates a new unranked class C felony offense for allowing a prohibited person to take possession of a FA and use it to cause personal injury or death to a third party.
HB 1161 - Establishing the veteran employability training and career advancement for reentry program.	PRO	<ul style="list-style-type: none"> - Establishes the veteran employability training and career advancement for reentry program within the college board to provide indiv transitional and soft skills to justice involved veterans and their families. The Board shall select one community college west and east of the Cascade mountain range.
HB 1166 - Establishing the providing effective education for reentry success act.	PRO	<ul style="list-style-type: none"> - New Section - creates the Providing Effective Edu for Reentry Success program within DOC to ensure indiv can pursue postsecondary education and digital literacy. - RCW 72.09.460 - allows correspondence courses to be eligible for state and federal fin aid if the course is part of a program leading to an Associate, Bachelor or Graduate degree. - RCW 72.09.465 - adds participation selection criteria for DOC and requires DOC to collaborate with nonprofit entities and community-based postsecondary edu programs. - RCW 72.09.480 - Restricts required deductions of incar indiv funds from applying to funds received by DOC from a 3rd party, incl a nonprofit entity on behalf of an incar indiv for the costs of purchasing a laptop, etc.

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<p>HB 1169 - Concerning offenses involving fabricated depictions of minors.</p>	<p>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. Without being an identifiable minor, it may run afoul of the 1st Amendment. SGC suggests this be investigated first to make sure there is no constitutional conflict.</p> <p>Using common law to define obscene is not a workable definition.</p>	<ul style="list-style-type: none"> - RCW 9.68A.011 - removes the requirement that the minor be identifiable from the definitions related to this chapter and adds a definition for 'obscene'. - RCW 9.68A.050/.053/.060/.070/.075 - corrects the RCW citation that points to the definition of sexually explicit conduct under RCW 9.68A.011(8)(a-e) for Dealing in Depictions of a Minor 1 and RCW 9.68A.011(8)(f-g) for Dealing in Depictions of a Minor 2. - RCW 9.68A.110 - Removes the requirement that the state is not required to establish the identity of the alleged victim or that the victim actually exists for offenses RCW 9.68A.050-.075.
<p>HB 1178 - Concerning sentencing enhancements.</p>	<p>PRO</p>	<ul style="list-style-type: none"> - RCW 9.94A.030 - Eliminates from the list of offenses defining "Pattern of criminal street gang activity" any felony conviction by a person 18 yrs of age or older with a special finding of involving a juv in a felony offenses under RCW 9.94A.833. - RCW 9.94A.533 - Eliminates the requirements that enhancements be served in total confinement and removes the requirement that an enh may not be reduced if the enh increases the sentence beyond the stat max. - FA/DW Enh <ul style="list-style-type: none"> *eliminates requirement to run consecutively to all other sentencing provisions. *adds that when sentenced to multiple FA or DW enh on or after the effective date of the section, the court may order the enh to run consecutively. - Presence of a Child/Mfg Meth Enh - removes the requirement that the enh run consecutively to all other sentencing provisions. - Protected Zone Enh - Eliminates the enhancement. - Veh Hom - DUI Enh - Removes the requirement that the enh be served in total confinement with the exception when the indiv has been convicted of 2 or more prior

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		<p>DUI offenses or one or more Veh Hom - DUI, then all enh must be served in total confinement.</p> <ul style="list-style-type: none"> - Criminal Street Gang Enh - Eliminates the enhancement. - Minor Child Enh <ul style="list-style-type: none"> *removes the requirements that the enh portion shall be mandatory and run consecutively to all other sentencing provisions. *Adds the exception when the indiv has been convicted of 2 or more prior DUI offenses or one or more Veh Hom - DUI, then all enh must be served in total confinement. - RCW 9.94A.729 - eliminates the restriction to applying good time and earned release credits on a FA, DW, Impaired Driving, and Minor Child enh portion of a sentence. - Repeals RCW 9.94A.833 (Special allegation - involving a minor in felony offense) and RCW 69.50.435 (Violations committed in or on certain public places of facilities - additional penalty)
<p>HB 1229 - Resentencing of individuals sentenced as a persistent offender.</p>	<p>PRO</p>	<ul style="list-style-type: none"> - RCW 9.94A.647 - When resentencing for those convicted as Persistent Offenders, it adds those "wherein an exceptional sentence was imposed pursuant to a plea agreement which avoided a possible persistent offender sentence" when current/past convictions "or charges" for Rob 2 was used as a basis for the finding that the person was "or would have been" a persistent offender. - Directs the Office of Public Defense to review each person's sentencing document and make a motion for relief instead of the PAO in the applicable county. - Adds resentencing eligibility requirements: <ul style="list-style-type: none"> - Current or past conviction for Rob 2 was used as the basis for the PO finding, or - Serving an exception sentence pursuant to a plea agreement which avoided a possible PO sentence and, at the time of sentencing, the person had 2 prior convictions pursuant to RCW 9.94A.030. The person's arrest, charge, or at least one prior conviction must incl Rob 2. - Sentencing court shall grant the motion if 'the offender is eligible for resentencing.'" A guilty plea by an offender seeking resentencing pursuant to this section may not be withdrawn. The court shall resentence the indiv as if Rob 2 was not the most serious offense, eliminating "at the time the original sentence was imposed" language.

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		<ul style="list-style-type: none"> - Directs AOC and DOC to provide plea agreement data to OPD which shall analyze for purposes of identifying eligible persons. OPB shall share information with county DAs and PAs.
<p>HB 1274 - Concerning retroactively applying the requirement to exclude certain juvenile convictions from an offender score regardless of the date of the offense.</p>	<p>PRO</p>	<ul style="list-style-type: none"> - New Section - Entitles indiv sentenced for an offense committed <7/23/23 whose CHS was incr due to juv adju that are not scorable under RCW 9.94A.525 enacted as of the time a petition is filed under this section to a resentencing hearing if: currently incar in total conf with release date of =>7/1/26; until 7/1/27 the indiv has served at least 50% of sent or served at least 15 yrs of sent; after 7/1/27 the indiv has served at least 25% of sent or served at least 10 yrs of sent; after 7/1/28 the indiv has served at least 10% of sent or served at least 5 yrs of sent; after 7/1/29 the indiv has served any amount of time on their sent. - Directs court to grant petition if indiv meeting specific criteria, to start scheduling resentencing hearings after 1/1/26. - Provides criteria under which the court may deny a petition for resentencing. - At resentencing hearing, court shall sentence as if juv adju were not part of the indiv's score at time of original sentencing. The soonest allowable release date may be no sooner than 6 mos after hearing. - If petition is denied, indiv file new petition in 3 yrs upon a showing of a change in circumstances. - Counsel can be appointed subject to availability of amounts appropriated for this purpose. - Ensures that victims, survivors of victims and witnesses of crimes are afforded the opportunity to make a statement that will be considered during the hearing and offers other resources and services. - Indiv sentenced on or after eff date of this section for offense committed <7/23/23 whose CHS would incr due to juv adju that are not scorable under RCW 9.94A.525 at the time of sentencing shall have their CHS calculated based on RCW 9.94A.525 as enacted at the time of sentencing. - This section applies retroactively incar on eff date regardless of date of offense or conviction.

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<p>SB 5094 - Concerning sexually explicit depictions of minors.</p>	<p>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. Without being an identifiable minor, it may run afoul of the 1st Amendment. SGC suggests this be investigated first to make sure there is no constitutional conflict.</p>	<ul style="list-style-type: none"> - RCW 9.68A.011 - removes the requirement that the minor be identifiable from the definitions related to this chapter. - RCW 9.68A.040 - adds 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 to the definition of Sexual Exploitation of a Minor. - Adds the following offenses to the list of those that may not be prosecuted more than 10 yrs after its commission: Dealing in Depictions of a Minor 1/2, Possession of Depictions of a Minor 1/2, Sending, Bringing into State Depictions of a Minor 1/2, and Viewing Depictions of a Minor 1/2.
<p>SB 5105 - Concerning offenses involving fabricated depictions of minors.</p>	<p>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. Without being an identifiable minor, it may run afoul of the 1st Amendment. SGC suggests this be investigated first to make sure there is no constitutional conflict.</p> <p>Using common law to define obscene is not a workable definition.</p>	<ul style="list-style-type: none"> - RCW 9.68A.011 - removes the requirement that the minor be identifiable from the definitions related to this chapter and adds a definition for 'obscene'. - RCW 9.68A.050/.053/.060/.070/.075 - corrects the RCW citation that points to the definition of sexually explicit conduct under RCW 9.68A.011(8)(a-e) for Dealing in Depictions of a Minor 1 and RCW 9.68A.011(8)(f-g) for Dealing in Depictions of a Minor 2. - RCW 9.68A.110 - Removes the requirement that the state is not required to establish the identity of the alleged victim or that the victim actually exists for offenses RCW 9.68A.050-.075.
<p>SB 5133 - Concerning departures from the</p>	<p>PRO</p>	<ul style="list-style-type: none"> - RCW 9.94A.535 - adds a mitigating factor where the defendant's caregiver status as a primary parent, legal guardian, or custodian with physical custody of a minor child, or

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guidelines for caregiver status.		status as primary caregiver for other family members, including elders and grandchildren.
SB 5152/HB 1606 - Concerning state employee access to peer-reviewed journals.	PRO	- Directs WSIPP to conduct a study that addresses providing state employees with electronic access to academic, scholarly, or scientific peer-reviewed journals. Study is to be completed by 12/1/2026.
HB 5227 - Concerning offenses involving child sex dolls.	OTH - Concerns: consider proportionality of the punishment with other offenses, especially other similarly ranked sex offenses. Mfg of a Sex Doll offense should be considered more serious than the other new offenses.	<ul style="list-style-type: none"> - RCW 9.68A.011 - adds definitions of 'child sex doll'. - New Section - Creates a new offenses: - Trafficking a Child Sex Doll, class B felony (each doll constitutes a separate offense) - Mfg a Child Sex Doll, class B felony (each doll constitutes a separate offense) - Sending/Bringing into State a Child Sex Doll, class B felony (each doll constitutes a separate offense) - Possession of a Child Sex Doll, class B felony (each doll constitutes a separate offense) - New Section - establishes a \$1,000 fee for each separate conviction which shall be deposited into the child rescue fund created in RCW 9.68A.200 - RCW 9.68A.120 - adds child sex doll to items subject to seizure and forfeiture - RCW 9.94A.515 - ranks the new offenses as follows: <ul style="list-style-type: none"> Mfg a Child Sex Doll at SL7 Sending/Bringing into State a Child Sex Doll at SL7 Trafficking a Child Sex Doll at SL7 Possession of a Child Sex Doll at SL6
SB 5266 - Concerning the indeterminate sentence review board.	PRO	<ul style="list-style-type: none"> - RCW 9.94A.730 - changes when persons convicted of one or more crimes committed prior to their 18th birthday may petition the ISRB for early release to reaching age 24 or older instead of having served no less than 20 yrs in confinement, adding that the person has not been convicted for any crime in the 12 mos prior to filing the petition (instead of subsequent to their 18th birthday). Adds requirements of the absence of any disqualifying serious infraction as defined by DCYF in 12 mos prior to filing petition and the current sentence was for Aggr Murder 1 or a Determinate Plus sentence and that the indiv has not been convicted of 3 or more murder offenses. - Allows DCYF to provide rental vouchers to persons who is released by the ISRB if such assistance will allow person to safely release.

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