

Status of Legislative Bills With SGC Position – Sine Die 2022

Bill	Status	SGC Position	Summary From Latest Bill Report
<p>1412 E4SHB - Concerning legal financial obligations</p> <p>CSTF Recommendation #40-#44, #46</p>	<p>2/10/22 House passed 4th sub bill (70-24-0)</p> <p>3/3/22 Passed Senate (38-11-0)</p> <p>3/10/22 Delivered to Governor</p>	<p>1/29/21 SGC voted to support (unanimous)</p>	<ul style="list-style-type: none"> • Allows a court to not impose or waive full or partial restitution and accrued interest owed to any insurer or state agency, except restitution owed to the Department of Labor and Industries for the crime victims compensation program, if the offender does not have the current or likely future ability to pay. • Allows a court to not impose interest on any restitution or to waive or reduce accrued interest during an offender's period of incarceration after considering several factors including whether the offender is indigent and the victim's input. • Establishes a revised standard of indigency for purposes of a number of provisions applicable to legal financial obligations.
<p>1818 2SHB - Promoting successful reentry and rehabilitation of persons convicted of criminal offenses</p>	<p>2/12/22 House passed 2nd sub bill (87-10-0)</p> <p>3/3/22 Passed Senate (48-0-0)</p> <p>3/7/22 Delivered to Governor</p>	<p>1/28/22 SGC voted to support</p>	<ul style="list-style-type: none"> • Extends the period for which the Department of Corrections (DOC) may provide rental vouchers from three months to six months. • Allows DOC to provide rental vouchers to any person releasing from a state correctional facility if a voucher will support the person's release by preventing housing instability or homelessness. • Requires the Washington State Institute for Public Policy to conduct an outcome evaluation and benefit-cost analysis of the expanded housing voucher program and submit a report by November 1, 2025. • Repeals fees related to DOC supervision and eliminates the cost of supervision fund.
<p>1874 HB - Reducing barriers to professional licensure for individuals with previous arrests or criminal convictions</p>	<p>1/26/22 Passed House (96-1-0)</p> <p>3/1/22 Passed Senate (49-0-0)</p> <p>3/7/22 Delivered to Governor</p>	<p>1/14/22 SGC voted to support</p>	<p>Revises the process for an individual with a criminal conviction to request a determination of whether that criminal history is disqualifying for obtaining a professional license administered by the Department of Licensing.</p>

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5628 ESSB - Concerning cyber harassment, addressing concerns in the case of Rynearson v. Ferguson, and adding a crime of cyberstalking	2/9/22 Senate passed sub bill (49-0-0) 3/3/22 Passed House (97-1-0) 3/9/22 Signed by President and Speaker	1/7/2022 SGC voted No Position, invited Leg to see if covered under other statutes.	<ul style="list-style-type: none"> • Renames the crime of cyberstalking to cyber harassment and amends the elements of that crime. • Creates the crime of cyberstalking • Permits certain victims of cyber harassment to apply to the secretary of state's address confidentiality program.
5793 2SSB - Concerning stipends for low-income or underrepresented community members of state boards, commissions, councils, committees, and other similar groups	2/10/22 Senate passed 2nd sub bill (31-18-0) 3/3/22 Passed House (67-31-0) 3/9/22 Signed by Speaker and President	1/14/22 SGC voted to support	<ul style="list-style-type: none"> • Authorizes stipends and reimbursement of other expenses for eligible individuals participating in class one groups. • Requires agencies issuing stipends to report to the Office of Equity by August 30, 2023. • Requires the Office of Equity to compile agency responses and report to the Governor and Legislature by August 30, 2024. <p style="color: purple;">AGO request bill (Governor's budget)</p>
1169 ESHB - Concerning sentencing enhancements CTSF Rec #14 (Street Gang Enh) and #16 (Enh get ERT and partial conf)	2/12/22 House passed sub bill (53-45-0)	11/13/20 SGC voted to support application of ERT on enh per DOC's draft language. This did not include the elimination of the Street Gang enh, thus, SGC had no position on that.	<ul style="list-style-type: none"> • Eliminates sentencing enhancement for certain controlled substance violations committed in protected zones. • Allows courts to order multiple firearm or deadly weapons enhancements run consecutively or concurrently to each other. • Allows for resentencing for individuals currently serving sentences that include multiple consecutive firearms enhancements. • Eliminates restrictions on partial confinement and earned release for sentencing enhancements and applies the changes retroactively to all incarcerated individuals.

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1637 SHB - Allowing a court to mitigate a criminal sentence when the defendant was experiencing mental illness at the time of the offense	1/27/22 H Public Safety Committee passed sub bill.	1/7/2022 SGC voted to support	Modifies the statutory mitigating circumstance that allows a judge to impose a sentence below the standard range based on the defendant's lack of capacity to include circumstances in which the defendant was impaired by a mental health condition at the time of the offense.
1678 SB - Creating a domestic violence offender registry		1/21/22 SGC voted to oppose	Requires the Washington State Patrol to establish and maintain a serious domestic violence offender registry that is searchable by the public.
1692 HB - 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		2/11/2022 SGC voted to support the elimination of drive-by aggravating circumstance under RCW 10.95.020(7)	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". New Section - Makes the act retroactive.
1715 SB - Concerning the membership of the sentencing guidelines commission	1/20/22 H Public Safety Committee passed bill	1/7/2022 SGC voted to support (unanimous)	Adds four voting members and makes other changes to the membership of the Sentencing Guidelines Commission.

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<p>1756 HB- Concerning solitary confinement (5639 SB – companion)</p>	<p>1/20/22 H Public Safety Committee passed sub bill</p>	<p>1/7/2022 SGC voted No Position</p>	<ul style="list-style-type: none"> • Defines "solitary confinement" as confinement of an incarcerated person alone in a cell or similarly confined holding or living space for 17 hours or more per day. • Prohibits the use of solitary confinement in state correctional facilities except when necessary for emergency purposes, medical isolation, or when an incarcerated person voluntarily requests such confinement conditions. • Establishes additional restrictions on the use of solitary confinement in state correctional facilities, including: placing limitations on its use for vulnerable persons, imposing time limits, requiring medical evaluations, requiring a review and hearing process in certain circumstances, and establishing standards for living conditions. • Requires jails to collect information on the use of solitary confinement on a monthly basis from July 1, 2022, to July 1, 2023, and requires the Washington Association of Sheriffs and Police Chiefs to compile the information and report to the Legislature and Governor. <p>DOC budget proviso: Funding is provided to reduce the use of solitary confinement in prisons by increasing correctional and mental health staffing, incorporating mental health training, and implementing approaches to organizational and culture change in the restrictive housing environment.</p>
<p>1758 HB - Increasing the penalty for hazing</p>	<p>1/3/22 H Public Safety Committee passed sub bill</p>	<p>1/21/22 SGC voted No Position but to have the Chair present statement that hazing behavior is already captured under assault offenses and point out this offense would perpetuate disparate treatment.</p>	<ul style="list-style-type: none"> • Reclassifies the crime of Hazing from a misdemeanor to a gross misdemeanor, and, in cases involving substantial bodily harm, to a class C felony. • Adds felony Hazing to the statutory lists of crimes against persons and crimes of harassment. <p>2SHB 1751 passed which expands definition of hazing, requires student hazing prevention education programs by institutions of higher learning, creates duty for institutions to report hazing.</p>

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1844 SHB - Creating the offense of unlawful branding of another person	2/1/22 H Public Safety Committee passed sub bill	2/11/22 SGC voted to oppose, noting offense may be encompassed in assault offenses, but supported victim access to funds to assist in removal of brand	Creates the crime of Unlawful Branding of Another Person.
5036 E2SSB - Concerning conditional commutation by the clemency and pardons board	3/1/21 Passed Senate (27-21-1) 2/2/22 Passed Senate (28-19-0-2)	1/22/21 SGC decided not to take a position	<ul style="list-style-type: none"> • Expands and modifies the membership of the Clemency and Pardons Board (CPB). • Establishes a process for qualifying individuals to petition the CPB for conditional commutations. • Requires the CPB to recommend that the Governor grant a conditional commutation for a qualifying individual, unless the CPB finds it is more likely than not that the individual will commit new criminal offenses. • Authorizes the Department of Corrections to supervise individuals granted conditional commutations. • Expands the eligibility criteria and modifies electronic monitoring requirements for individuals granted extraordinary medical placement by the Department of Corrections.
5054 ESB - Concerning impaired driving	3/1/21 Passed Senate (41-7-1) 2/9/22 Senate Passed engrossed (48-0-0) 2/24/22 H Public Safety Committee passed	<u>Orig SB 5054</u> 1/15/21 SGC voted No Position (9-y; 1-n) <u>ESB 5054 merged w/SB 5573</u> 1/7/2022 SGC voted to support concept of DOSA for DUI	<ul style="list-style-type: none"> • Increases the classification for an impaired driving offense from a gross misdemeanor to a felony when the person has three or more prior impaired driving offenses within 15 years, rather than within 10 years. • Creates a new Drug Offender Sentencing Alternative for persons convicted of felony impaired driving offenses. • Authorizes a person who participates in a deferred prosecution for their first gross misdemeanor impaired driving charge to participate in a deferred prosecution for their second gross misdemeanor impaired driving charge in certain circumstances, and makes other changes related to deferred prosecutions in impaired driving cases.

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			<ul style="list-style-type: none"> Provides that a deferred prosecution for a second or subsequent impaired driving offense counts as one point toward a defendant’s offender score for felony traffic offenses.
5348 SB - Concerning assisted reproduction	2/3/22 S Law & Justice Committee passed sub bill 2/17/22 Senate Rules “X” file	1/28/22 SGC voted No Position.	<ul style="list-style-type: none"> Makes a health care provider guilty of false representation in assisted reproduction if he or she knowingly provides false information to a patient related to gametes used or provided for assisted reproduction or the donor of the gametes. Authorizes the appropriate board or commission, or Department of Health to investigate any allegations of false representation, and conduct an enforcement action against the licensed health care provider. Makes false representation in assisted reproduction a basis for unprofessional conduct in regulatory license actions.
5407 SB - Concerning firearm theft		2/5/21 SGC voted to oppose (unanimous), noting the unfinished work of the CSTF and possible duplication of the new offense.	Creates the crime of theft of a firearm from a residence, store, shop, sales outlet, or vehicle.
5572 SSB - Implementing the recommendations of the WA state internet crimes against children task force	1/28/22 Senate passed sub bill 2/22/22 H Public Safety Committee passed	1/14/22 SGC voted to oppose, noting no position on the creation of offenses but opposition to ranking them on adult sentencing grid	<ul style="list-style-type: none"> Establishes a new means to commit the offense of Sexual Exploitation of a Minor. Narrows the applicability of certain lesser penalties and criminal liability exemptions in the Responsible Teen Communications Act. <p style="color: purple;">Budget funding provided for: CJTC - staff, training, licensing, and equipment Special Approps for Gov - additional ongoing funding</p>

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5573 SSB - Concerning drug offender sentencing alternatives for offenders convicted of driving or control of a vehicle while under the influence	1/20/22 S Law & Justice Committee passed sub bill	1/7/2022 SGC voted in support concept of DOSA for DUI, noting interest in a prison DOSA due to the number of treatment opportunities available before getting felony offense.	<ul style="list-style-type: none"> • Creates a new drug offender sentencing alternative for individuals convicted of felony impaired driving offenses. • Expands the impaired driving look-back period from 10 years to 15 years. <p>NOTE: This bill was merged into ESB 5054</p>
5663 2SSB- Establishing streamlined procedures for compliance with the State v. Blake decision in order to improve criminal justice system coordination, create efficiencies, and reduce costs	1/27/22 S Law & Justice Committee passed sub bill 2/7/22 S Ways & Means Committee passed 2nd sub bill 2/17/22 Senate Rules "X" file	2/11/2022 SGC voted to oppose as it does not provide equal and meaningful access to all the affected parties	<ul style="list-style-type: none"> • Requires the Administrative Office of the Courts to prepare a report of all individuals convicted of simple drug possession, and those with nonconviction data due to successful completion of a diversion program regarding a charge of simple drug possession, since 1971. • Establishes rules for vacating convictions pursuant to State v. Blake, resentencing individuals if necessary, and refunding legal financial obligations. <p><u>Budget funding:</u> AOC - Admin and refund process, hire scheduling referee and clerk, additional funds for LFOs refund and collection costs paid to courts; hire policy analyst; funding for Muni court LFO refunds and resentencing OPD - funding for triage team for management of hearings Civil Legal Aid - funding to assist clients re LFO and offense vacations WSP - funding and staffing to process record vacations</p>
5692 2SSB - Concerning programming at the department of corrections	2/11/22 Senate passed 2nd sub bill (49-0-0)		<ul style="list-style-type: none"> • Requires the Washington State Institute for Public Policy to evaluate certain programs at the Department of Corrections (DOC) and submit a report to the Legislature and Washington State Sentencing Guidelines Commission (SGC). • Requires SGC to develop and recommend a supplemental formula for awarding earned early release time to individuals who complete certain DOC programming and submit a report to the Governor and Legislature.

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5927 SB - Concerning the safety and security of retail cannabis outlets	2/10/22 Passed Senate (49-0-0) 2/22/22 H Public Safety Committee passed	1/28/22 SGC voted No Position but noted the unfinished work of the CSTF and the hesitancy to making piecemeal changes.	<ul style="list-style-type: none"> • Establishes a special allegation and sentencing enhancement for Robbery in the first or second degree where the perpetrator commits a robbery of a licensed cannabis retail outlet in concert with another individual or individuals. • Requires a licensed cannabis retail outlet to report any attempt or incident of Robbery in the first or second degree at the retail outlet to the Washington State Liquor and Cannabis Board (LCB) within 10 days of the attempt or incident. • Requires the LCB's chief enforcement officer to regularly consult with the Washington State Patrol to provide details of attempts or incidents of Robbery in the first or second degree of licensed cannabis retail outlets and to discuss any evidence that indicates a pattern of, or coordinated effort by, a criminal enterprise.

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