

Status of Legislative Bills With SGC Position – Sine Die

Green = passed the Legislature

Bill	Status	SGC Position	Brief Description of Bill Proposal
<p>ESHB 1169 – Concerning legal financial obligations</p>	<p>2/28/23 Passed House (56-41-0)</p> <p>4/12/23 Passed Senate (30-19-0)</p> <p>4/19/23 House concurred (56-42-0)</p> <p>4/21/23 Delivered to Governor</p>	<p>PRO</p>	<ul style="list-style-type: none"> - Eliminates the crime victim penalty assessment for juveniles and provides that a court must not impose the crime victim penalty assessment upon an adult defendant who is indigent at the time of sentencing. - Establishes a Crime Victim and Witness Assistance Account to support county crime victim and witness programs. - Eliminates the DNA database fee and establishes alternative state funding for the DNA database and requires a court to waive previously imposed DNA database fees. - Prohibits courts from imposing any fine, administrative fee, cost, surcharge, or restitution against a juvenile or juvenile's parent or guardian, in a juvenile offender proceeding, including costs of an evaluation or treatment of a juvenile offender ordered for purposes of certain disposition alternatives. - Requires the Administrative Office of the Courts to review revenue collections to provide a more accurate assessment of the fiscal impact of eliminating the crime victim penalty assessment, and to review the grant program that provides funds to counties for county clerk collection budgets.
<p>EHB 1324 - Concerning the scoring of prior juvenile offenses in sentencing range calculations (SB 5475 companion)</p>	<p>3/6/23 Passed House (51-45-0)</p> <p>4/11/23 Passed Senate (26-23-0)</p> <p>4/22/23 House concurred (50-48-0)</p> <p>4/23/23 Delivered to Governor</p>	<p>PRO</p>	<ul style="list-style-type: none"> - A person's prior juvenile dispositions may not be included in the person's offender score calculations for any subsequent adult convictions, except for adjudications of guilt for Murder in the first degree, Murder in the second degree, and class A felony sex offenses. - Out of state or federal convictions, which would have been presumptively adjudicated in juvenile court under Washington law, may not be included in the offender score unless they are comparable to Murder in the first or second degree or a class A felony sex offense. - When a person has multiple prior convictions for offenses committed before July 1, 1986, all adjudications served concurrently shall be counted as one offense for purposes of computing the offender score

Status of Legislative Bills With SGC Position – Sine Die

Bill	Status	SGC Position	Brief Description of Bill Proposal
<p>ESHB 1394 - Creating a developmentally appropriate response to youth who commit sexual offenses (SB 5543 companion)</p>	<p>3/3/23 Passed House (60-38-0)</p> <p>4/10/23 Passed Senate (28-21-0)</p> <p>4/20/23 Governor signed.</p>	<p>NO POSITION</p> <p>The SGC defers to the SOPB on this bill</p>	<ul style="list-style-type: none"> - Places limits on when a juvenile is required to register in the sex offender registry based on committing a sex offense. - Reduces the time period a person adjudicated in juvenile court must register as a sex offender to two or three years. - Reduces the classification of failing to register as a sex offender to a gross misdemeanor for individuals who are required to register based on the commission of a juvenile sex offense. <p>Effective 7/23/23</p>
<p>HB 1696 - Concerning stalking-related offenses</p>	<p>2/27/23 Passed House (95-0-0)</p> <p>3/31/23 Passed Senate (48-0-0)</p> <p>4/13/23 House concurred (96-0-0)</p> <p>4/19/23 Delivered to Governor</p>	<p>OTHER</p> <p>No position on the contents of the bill but applauds the Legislature on the simplification of the statutes.</p>	<ul style="list-style-type: none"> - Modifies the scope of conduct that constitutes the crime of stalking. - Modifies certain conditions and exceptions related to stalking. - Repeals the statute related to the crime of cyberstalking.
<p>SSB 5033 – Reclassifying the sentence for the crime of custodial sexual misconduct</p>	<p>2/27/23 Passed Senate (48-0-0)</p> <p>3/22/23 Passed House (97-0-0)</p> <p>3/30/23 Governor signed.</p>	<p>OTHER</p> <p>SGC recommends waiting to change the classification and seriousness levels of felony offenses as a recalibration of all ranked offenses may be</p>	<ul style="list-style-type: none"> - Reclassifies the offense of Custodial Sexual Misconduct in the first degree to a class B felony, from a class C felony, and increases the seriousness level from V to VII. - Reclassifies the offense of Custodial Sexual Misconduct in the second degree to a class C felony, from a gross misdemeanor, and ranks the offense as a seriousness level V offense. - Act is known as the Kimberly Bender’s law <p>Effective 7/23/23</p>

Status of Legislative Bills With SGC Position – Sine Die

Bill	Status	SGC Position	Brief Description of Bill Proposal
		taking place in the near future.	
<p>2SSB 5046 - Concerning postconviction access to counsel</p>	<p>3/3/23 Passed Senate (30-19-0)</p> <p>4/10/23 Passed House (58-40-0)</p> <p>4/18/23 Delivered to Governor</p>	<p>PRO</p> <p>SGC supports the concept of providing counsel to individuals found indigent. This bill would reduce the inequality between those who can and cannot obtain counsel and the injustice that creates.</p>	<ul style="list-style-type: none"> - The director of OPD to administer all state-funded services for appellate indigent defense, and postconviction indigent defense related to a first, timely personal restraint petition; when the Legislature creates an ability to petition the sentencing court; or when a final decision of an appellate court creates the ability to challenge a conviction or sentence. - Counsel shall be appointed for indigent persons incarcerated in a juvenile rehabilitation or adult correctional facility to file and prosecute a personal restraint petition. - OPD will study the barriers to providing postconviction counsel to indigent persons seeking to file and prosecute one, timely motion for collateral attack other than for personal restraint petitions and report its findings to the Legislature by December 1, 2024.
<p>SHB 1024 - Concerning labor and income of incarcerated persons</p>	<p>2/21/23 Ref'd to Rules</p>	<p>PRO</p> <p>SGC is in support of not requiring individuals pay for their cost of incarceration and paying them a living wage as it will help people become financially sufficient upon release. The SGC does not take any position on the details of the bill.</p>	<ul style="list-style-type: none"> - Provides that the wage or gratuity paid to an incarcerated person participating in certain Correctional Industries work programs must be no less than \$1.50 an hour. - Provides that the limit on amounts paid to an incarcerated person participating in Class III work programs must be no less than \$200 a month. - Modifies the maximum deductions that various entities may impose on an incarcerated person's income for specified purposes. - Requires the Department of Corrections (DOC) to submit a report related to debt incurred by incarcerated persons for the cost of items and services while incarcerated. - Repeals provisions authorizing the DOC to operate a Work Ethic Program

Status of Legislative Bills With SGC Position – Sine Die

Bill	Status	SGC Position	Brief Description of Bill Proposal
<p>E2SHB 1189 - Concerning the release of incarcerated individuals from total confinement prior to the expiration of a sentence</p>	<p>3/4/23 Passed House (53-42-0)</p> <p>4/23/23 Ret'd to House Rules for 3rd reading</p>	<p>PRO</p>	<ul style="list-style-type: none"> - Expands and modifies the membership, compensation, and training requirements for the Clemency and Pardons Board (CPB). - Establishes a process for the CPB to consider and make recommendations on petitions for commutations. - Authorizes the Department of Corrections (DOC) to supervise persons who receive a recommendation for commutation from the CPB under certain circumstances. - Alters the eligibility criteria and modifies electronic monitoring requirements for persons granted extraordinary medical placement by DOC.
<p>SHB 1268 - Concerning sentencing enhancements</p>	<p>3/6/23 Passed House (53-42-0)</p> <p>4/23/23 Ret'd to House Rules for third reading</p>	<p>PRO</p>	<ul style="list-style-type: none"> - Allows an incarcerated individual to earn good time credits for the portion of their sentence attributable to a sentencing enhancement and removes requirements for serving the portion of the sentence attributable to the enhancement in total confinement. - Allows multiple sentencing enhancements to be served concurrently, instead of consecutively. - Repeals the enhancement for involving a minor in a criminal street gang-related felony.
<p>SHB 1493 – Concerning impaired driving</p>	<p>3/8/23 Passed House (97-0-0)</p> <p>4/11/23 Passed Senate (48-0-0)</p> <p>4/17/23 House refuses to concur</p> <p>4/20/23 Senate passed amendment (48-0-0)</p>		<p>Senate Amendment</p> <ul style="list-style-type: none"> - Authorizes a second deferred prosecution for an eligible person who is charged with gross misdemeanor Driving Under the Influence or Physical Control of a Vehicle Under the Influence by: <ul style="list-style-type: none"> • limiting eligibility for a second deferred prosecution to situations in which the petitioner has no prior offenses, and excluding a petitioner's first deferred prosecution from the definition of a prior offense; • limiting the petitioner to one deferred prosecution in certain circumstances; modifying requirements for participation in a deferred prosecution based on the nature of the petitioner's underlying problem; • specifying requirements during two-year treatment program, including abstinence from alcohol and drugs, random testing, weekly and monthly counseling, and supervision; and • providing that a second deferred prosecution counts as one point on the petitioner's offender score for felony traffic offenses;

Status of Legislative Bills With SGC Position – Sine Die

Bill	Status	SGC Position	Brief Description of Bill Proposal
	4/23/23 Ret'd to House Rules for 3 rd reading		<ul style="list-style-type: none"> -Increases the classification for an impaired driving offense from a gross misdemeanor to a felony when a 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 Driving Under the Influence (DOSA-DUI) for a person's first-time felony impaired driving offense. -Effective date of 4/1/2024.
<p><u>SB 5032</u> – 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>3/8/23 Passed Senate (48-1-0)</p> <p>4/23/23 Ret'd to Senate Rules for 3rd reading</p> <p>(Language was amended into SHB 1493)</p>	<p>OTHER</p> <p>SGC supports the idea of a sentencing alternative for DUI offenses, however, the SGC believes when the midpoint is higher than 26 months, the discretion should remain with the court and not by joint agreement of the state and the defendant.</p>	<ul style="list-style-type: none"> -Creates a new Drug Offender Sentencing Alternative for Driving Under the Influence (DOSA-DUI) for first-time felony impaired driving offenses. -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.
<p><u>SB 5035</u> - Concerning possession of controlled substances</p>	<p>2/6/23 Pub hearing S L&J</p>	<p>OTHER</p> <p>SGC supports diversions from the criminal justice system but opposes increasing the penalty for Possession of Counterfeit Substance</p>	<ul style="list-style-type: none"> -Classifies possession of a counterfeit substance as a class C felony. Encourages prosecutors to divert an individual's first charge of possession of a counterfeit substance or 40 grams or less of cannabis to substance use disorder services. -Repeals the requirement that law enforcement officers offer a referral to substance use disorder services for an individual's first two arrests for possession of prohibited substances.

Status of Legislative Bills With SGC Position – Sine Die

Bill	Status	SGC Position	Brief Description of Bill Proposal
<p>SSB 5056 - Establishing a special allegation for habitual property offenders</p>	<p>3/10/23 Senate Rules "X" file</p>	<p>CON SGC opposes SB 5056 until the Legislature resolves HB 1268 which addresses enhancements.</p>	<ul style="list-style-type: none"> - Creates a special allegation for a habitual property offender. - Allows a court discretion to sentence a person found beyond a reasonable doubt to be a habitual property offender to an additional 24 months for a Class B felony, and an additional 12 months for a Class C felony.
<p>SB 5160 – Concerning organized retail theft</p>	<p>3/10/23 Senate Rules "X" file</p>	<p>NO POSITION</p>	<p>Adds an additional way to commit organized retail theft in the 2nd degree.</p>
<p>SB 5434 - Concerning the jurisdiction of juvenile court (HB 1440 companion)</p>	<p>2/9/23 Ref'd to S W&M</p>	<p>PRO</p>	<ul style="list-style-type: none"> - Increases the minimum age of juvenile court jurisdiction to 13 years old and increases the maximum age of incapacity of committing a crime to 12 years old. - Establishes that children ages 8 through 12 charged with murder in the first or second degree are presumed incapable of committing the crime unless rebutted by clear and convincing evidence of sufficient capacity. - Creates a Raise the Age Juvenile Justice Task Force to consider and provide recommendations regarding implementation of juvenile jurisdiction expansion to individuals ages 18 and 19.
<p>SB 5451 - Allowing qualifying persons serving long sentences committed prior to reaching 25 years of age to seek review for possible release from incarceration (HB 1325 companion)</p>	<p>2/16/23 Exec session S L&J [no action taken]</p>	<p>PRO</p>	<ul style="list-style-type: none"> - Requires courts to sentence individuals convicted of aggravated first degree murder where the murder was committed prior to the offender's 25th birthday a maximum term of life imprisonment and a minimum term of total confinement of 25 years. - Permits individuals convicted of one or more crimes committed prior to the person's 25th birthday to petition the Indeterminate Sentencing Review Board for early release after serving no less than 15 years of total confinement in certain circumstances.

Status of Legislative Bills With SGC Position – Sine Die

Bill	Status	SGC Position	Brief Description of Bill Proposal
<p>SB 5467 - Encouraging treatment for possession of certain counterfeit drugs or controlled substances (HB 1613 companion)</p>	<p>2/6/23 Public hearing S L&J</p>	<p>PRO</p>	<ul style="list-style-type: none"> - Requires the court to vacate the conviction of individuals convicted of possession of a controlled substance, counterfeit substance, or legend drug if the individual successfully completes substance use disorder treatment as a condition of probation. - Requires the court to sentence individuals convicted of possession of a controlled substance, a counterfeit substance, or a schedule II legend drug who do not agree to comply with substance use disorder treatment as a condition of probation to no less than 45 days in jail. - Provides for dismissal of a charge of possession of prohibited substance if the individual completes substance use disorder treatment prior to conviction on the charge. - Requires the toxicology laboratory to complete the necessary analysis of suspected drug evidence within 30 days of receipt of the request for analysis.
<p>SSB 5474 - Concerning juvenile justice (HB 1432 companion)</p>	<p>2/24/23 Exec session S W&M [no action taken]</p>	<p>PRO</p>	<ul style="list-style-type: none"> - Eliminates juvenile legal financial obligations and associated costs. Creates the Community Compensation Program, the Community Compensation Task Force, and the Community Compensation Account. - Requires courts to seal records that were previously ineligible for sealing because of owed restitution.
<p>E2SSB 5536 - Concerning controlled substances, counterfeit substances, and legend drug possession and treatment</p>	<p>3/3/23 Passed Senate (28-21-0)</p> <p>4/11/23 Passed House (54-41-0)</p> <p>4/21/23 Senate refuses to concur</p> <p>4/23/23 Failed final passage as recommended by Conference</p>	<p>PRO</p>	<p>Conference Committee Striker:</p> <ul style="list-style-type: none"> - Makes the penalty for knowingly possessing of a counterfeit substance or controlled substance and/or use of a counterfeit or controlled substance in a public place to a gross misdemeanor. - Makes the penalty for knowingly possessing any legend drug and/or use of any legend drug in a public place a misdemeanor. - LEOs are encouraged to offer a referral to assessment and services available in lieu of jail booking and referral to the prosecutor. - The prosecutor is encouraged to diver cases for assessment, treatment, or other services. - Allows the defendant, with the consent of the PA, to seek resolution of charges through available therapeutic courts or other alternatives to prosecution. - Requires courts to vacate convictions of possession for defendants who successfully complete required SUD treatment and file proof with the court.

Status of Legislative Bills With SGC Position – Sine Die

Bill	Status	SGC Position	Brief Description of Bill Proposal
	Committee (43-55-0)		- Enacts recommendations of the Substance Use and Recovery Services Advisory Committee expanding SUD treatment and harm reduction programs and related services.
SB 5588 - Concerning the mental health sentencing alternative	3/10/23 Senate Rules "X" File	PRO	<ul style="list-style-type: none"> - Requires the Department of Corrections (DOC) to include a diagnosis for the defendant in its written report when a defendant applies for a Mental Health Sentencing Alternative. - Removes a requirement for DOC to provide a proposed treatment plan for the defendant. - Allows courts to waive a requirement for DOC and the treatment provider to provide written reports before progress hearings.
SB 5624 - Implementing the recommendations of the substance use recovery services advisory committee	2/6/23 Pub hearing S L&J (Language was amended into SSB 5536)	PRO	<p>Enacts recommendations of the Substance Use and Recovery Services Advisory Committee related to legalization of possession of controlled substances and support for and expansion of substance use disorder treatment programs and related services.</p> <p>Part 1 - Decriminalization of Possession of a Personal Amount of a Counterfeit Substance, CS, or Legend Drug for Persons 21 yrs or older</p> <ul style="list-style-type: none"> - Makes possessing more than a personal amount of or possessing when under age 21 a counterfeit substance/CS/legend drug a misdemeanor. Prosecutors are encouraged to divert such cases for assessment, treatment or other services. - Adds section where the state fully occupies and preempts the entire field of drug paraphernalia regulation.
SSB 5635 – Concerning victims' rights	3/10/23 Senate Rules "X" file	NO POSITION	<ul style="list-style-type: none"> - Expands the rights of victims and survivors of victims to be informed of the trial and sentencing hearing in any case, and to present a statement personally or by representation at the sentencing in any case. - Provides additional rights to have the victims' safety considered in bail considerations, to provide written input when the court sets a date for trial, and to be informed of the offender's place of incarceration, release from confinement, and any escape. - Specifies that the Legislature intends to provide funding sufficient to support crime victim advocates and prosecutors in their work to ensure the rights granted to victims, survivors of victims, and witnesses of crimes are protected.
SB 5644 - Concerning juvenile records	2/14/23 Exec session S HS [no action taken]	OTHER SGC recommends further study, which includes all	<ul style="list-style-type: none"> - Explains that all records relating to the commission of juvenile offenses are confidential. - Requires courts to provide written notice to individuals whose records are sealed that includes an explanation of what it means to have a sealed juvenile record.

Status of Legislative Bills With SGC Position – Sine Die

Bill	Status	SGC Position	Brief Description of Bill Proposal
(HB 1769 companion)		stakeholders, to provide recommendations to the Legislature.	<ul style="list-style-type: none"> - Creates a cause of action where various legal and government entities that disseminate sealed or destroyed juvenile records may be sued for damages by the subject of those records. - Provides individuals whose records are eligible for sealing with access to an attorney if necessary.