

## Weekly Legislative Update: **Criminal Justice**

Issue Team Chair: Heather Kelly

Contact: [hkelly@lwvwa.org](mailto:hkelly@lwvwa.org)

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### **Bill Descriptions**

#### Priority Bills We Support

##### **HB 1169 Legal Financial Obligations**

This bill builds upon HB 1412 passed last year and allows for the waiver of certain legal financial obligations owed by defendants who have been convicted. It passed the Senate 30-19 Apr. 12 and must now be reconciled with the House version of the bill.

##### **HB 1324 Eliminating juvenile offenses from offender scores**

This bill eliminates juvenile offenses from offender scores used to determine sentencing ranges for crimes. The Senate Law & Justice Committee removed the retroactivity provision in the bill. It passed the Senate 26-23 Apr. 11 and must now be reconciled with the House version of the bill.

#### Other Bills We Support

##### **SB 5046 Expands Postconviction Access to Counsel**

This bill expands the circumstances in which counsel may be appointed at state expense to someone who has been convicted and requires the Office of Public Defense to study the barriers to providing postconviction counsel to indigent people. It passed the House 58-40 Apr. 10 and has been signed by the Speaker of the House and the President of the Senate.

##### **SB 5101 Compassionate Release for Incarcerated People**

This bill makes it easier to release people in prison who have serious medical conditions and therefore pose a low risk to the community. It passed the House 59-39 Apr. 5. The Senate concurred in the House amendments 30-15-1-3 Apr. 14.

##### **SB 5134 Reentry Services for Incarcerated People**

This bill requires the Department of Corrections to develop individual discharge plans and provide specific reentry services for people within one year prior to their release from prison. It passed the House 97-0-1 Apr. 7. The Senate refused to concur in the House amendments and asked the House to recede from those amendments Apr. 13.

##### **HB 1345 Contribution to Costs of Privileges by People in Prison**

This bill removes extended family visitation from the list of costs that people in prison may be required to contribute to. It passed the Senate 37-10-2 Apr. 7. The House concurred in the Senate amendments 66-30-2 Apr. 14.

### **HB 1394 Limits on Sex Offender Registry Requirements for Juveniles**

This bill limits the circumstances in which juveniles are required to register as sex offenders and reduces the time period that juveniles have to register as sex offenders. It passed the Senate 28-21 Apr. 10 and has been delivered to the Governor.

### **Bills We Oppose:**

#### **SB 5352 Rolling Back Limitations on Vehicular Pursuits**

This bill would roll back the common-sense 2021 limitations on vehicular pursuits that have reduced deaths and made our communities safer. The substitute bill does place additional limitations on the types of crimes that may be the subject of a vehicular pursuit. It passed the House 57-40-1 Apr. 10 and must now be reconciled with the Senate version of the bill.

#### **SB 5536 Recriminalizing Drug Possession**

Currently, possession of small amounts of drugs is a misdemeanor, and people arrested for possession must be referred to diversion services for their first two arrests. That law expires July 1, 2023. SB 5536 makes possession a gross misdemeanor, and diversion would no longer be mandatory. It passed the House 54-41-3 Apr. 11 and must now be reconciled with the Senate version of the bill.

### **Bills We Support That Are Not Moving Forward**

#### **SB 5383 Legalizing Jaywalking**

This bill addresses the longtime racial bias in enforcement of jaywalking laws and allows pedestrians to cross a roadway at any point as long as it's reasonably safe to do so. It was referred to the Senate Rules Committee for second reading Feb. 24. Because it did not pass the Senate by the March 8 deadline, it will not be moving forward this session.

#### **SB 5434 Raise the Age in Juvenile Court**

This bill raises the age for jurisdiction of juvenile court from 8 to 13 and establishes a task force to study raising the age limit for juvenile court up through age 20. Because it did not pass out of the Ways & Means Committee by the Feb. 24 deadline, it will not be moving forward this session.

#### **SB 5451 Allowing Review of Long Sentences for Crimes Committed Before Age 25**

Currently, people who committed crimes before age 18 can have lengthy sentences reviewed. This bill would increase the age from 18 to 25, recognizing that brain science shows that our brains do not become fully developed until age 25. It was scheduled for executive session Feb. 16 in the Senate Law & Justice Committee, but no action was taken. Because it did not pass out of the policy committee by the Feb. 17 deadline, it will not be moving forward this session.

### **SB 5474 Eliminating juvenile legal financial obligations**

This bill eliminates juvenile legal financial obligations and creates a community compensation program that is more equitable and better serves people who have been harmed. It was scheduled for executive session in the Senate Ways & Means Committee Feb. 24, but no action was taken, and it will not be moving forward this session.

### **SB 5624 Implementing Recommendations of the Substance Use Recovery Services Advisory Committee (SURSAC)**

SB 5624 implements the SURSAC recommendations regarding how the legislature should treat drug possession cases. These recommendations recognize that substance use disorders should be treated as a public health issue, not a criminal justice issue. SB 5624 had a public hearing Feb. 6 in the Senate Law & Justice Committee. Because it did not pass out of the policy committee by the Feb. 17 deadline, it will not be moving forward this session.

### **HB 1024 Real Labor Real Wages Act**

This bill ensures that people who are incarcerated are paid a fair wage for the labor they perform and ensures that people are not required to pay for the cost of incarceration. It also increases the amount of earnings that will be placed in a savings account for each incarcerated person. The substitute bill (1) raises the minimum hourly wage to \$1.50 instead of the statewide minimum wage of \$15.74 per hour authorized under the original bill and (2) does not increase the amount placed in savings. HB 1024 was referred to the House Rules Committee Feb. 21. Because it did not pass the House by the March 8 deadline, it will not be moving forward this session.

### **HB 1025 Private Right of Action for People Harmed by Peace Officers**

This bill authorizes a private right of action for violations of the state Constitution or state law by peace officers—the state equivalent of a federal §1983 action. It does not allow peace officers to rely on the qualified immunity defense to avoid liability—i.e., it is not a defense that the law was not “clearly established” with respect to the acts or omissions at issue. HB 1025 was placed on second reading by the House Rules Committee Feb. 28. Because it did not pass the House by the March 8 deadline, it will not be moving forward this session.

### **HB 1062 Deception during interrogations by law enforcement officers**

This bill provides that statements made during custodial interrogations are presumed to be inadmissible if the law enforcement officer intentionally engaged in deception in obtaining the statement. It was referred to the House Community Safety, Justice, & Reentry Committee Jan. 9. Because it did not pass out of the policy committee by the Feb. 17 deadline, it will not be moving forward this session.

### **HB 1087 Ending Long-Term Solitary Confinement**

This bill recognizes that long-term solitary confinement constitutes torture under international law and causes severe psychological trauma. It states that people who are incarcerated may not be placed in solitary confinement except for emergencies, medical isolation, or when requested

by the person who is incarcerated. The bill limits the number of days that people can be held in solitary confinement and bans the practice for vulnerable people, such as those with mental or physical disabilities and pregnant people. Because HB 1087 did not pass out of the House Appropriations Committee by the Feb. 24 deadline, it will not be moving forward this session.

#### **HB 1174 Ensuring Access for Voters in Jails**

This bill requires county auditors to create a jail voting plan for each jail in the county and requires jails to provide access to voting materials to people in jail in accordance with the voting plan. It also mandates that jails allow election officials to enter the jails at least 30 days before each primary and general election to provide voter registration outreach and education. Because HB 1174 did not pass out of the House Appropriations Committee by the Feb. 24 deadline, it will not be moving forward this session.

#### **HB 1189 Commutations of Prison Sentences**

This bill expands the membership of the Clemency and Pardons Board and authorizes people in prison to petition the Board for conditional commutation of their sentences that includes a period of law-abiding behavior in the community. It was scheduled for executive session Apr. 3 in the Senate Ways & Means Committee but no action was taken, so it will not be moving forward this year.

#### **HB 1354 Volunteering in Schools After a Criminal Conviction**

This bill limits the circumstances under which a school may deny a parent's volunteer application based on a previous criminal conviction. It was referred to the House Education Committee Jan. 16. Because it did not pass out of the policy committee by the Feb. 17 deadline, it will not be moving forward this session.

#### **HB 1445 Attorney General Investigations and Reform**

This bill gives the Attorney General's Office the authority to investigate law enforcement and local corrections agencies that have engaged in systemic violations of the Washington constitution or state laws. It was placed on second reading by the House Rules Committee Mar. 3. Because it did not pass the House by the March 8 deadline, it will not be moving forward this session.

#### **HB 1479 Restricting Use of Restraint and Isolation of Students in Public Schools**

This bill bans the use of isolation and mechanical and chemical restraints except when school resource officers are making arrests. It was heard in the Senate Early Learning & K-12 Education Committee Mar. 20. Because it did not pass out of the policy committee by the Mar. 29 deadline, it will not be moving forward this session.

#### **HB 1492 Establishes procedures for relief for people affected by *State v. Blake***

This bill establishes procedures and requirements for vacating convictions, resentencing, and refunding legal obligations pursuant to the Washington Supreme Court's decision in *State v. Blake*, which held that Washington's felony drug possession statute was unconstitutional. It was

referred to the House Rules Committee Feb. 24. Because it did not pass the House by the March 8 deadline, it will not be moving forward this session.

### **HB 1513 Improving Traffic Safety**

This bill prevents law enforcement officers from pulling people over for violations that don't impact safety, limit searches following traffic stops, and provide funding to help people fix violations. HB 1513 was referred to the House Rules Committee Feb. 24. Because it did not pass the House by the March 8 deadline, it will not be moving forward this session.

### **HB 1579 Independent Prosecutions for Police Use of Force**

This bill sets up an Independent Prosecutions Unit in the Attorney General's Office to prosecute crimes involving the use of deadly force by police officers. It was scheduled for executive session Apr. 3 in the Senate Ways & Means Committee but no action was taken, so the bill will not be moving forward this year.

### **HB 1586 Vehicle Pursuit Study Group**

This bill authorizes the Criminal Justice Training Commission to create a work group to study vehicle pursuits and come up with policy recommendations. The bill also authorizes a grant program for tools such as GPS tracking, automated license plate readers, and drones. It was referred to the House Rules Committee Feb. 24. Because it did not pass the House by the March 8 deadline, it will not be moving forward this session.

**HB 1798 Earned Release Time for Good Behavior.** This bill standardizes the allowable time off of a sentence for good behavior at up to 33 1/3 of a person's sentence, subject to some exceptions. It was referred to the House Community Safety, Justice, & Reentry Committee Feb. 8. Although this bill may be deemed Necessary to Implement the Budget (NTIB) and may therefore still move forward, it is unlikely to do so.

## **How You Can Be Involved**

- Read and take action through the [LWVWA Legislative Newsletter](#) that comes out each week during the legislative session
- Join the LWVWA Criminal Justice Action group by emailing Heather Kelly at [hkelly@lwwwa.org](mailto:hkelly@lwwwa.org) or Deb Carstens at [dcarstens@lwwwa.org](mailto:dcarstens@lwwwa.org). We meet on the third Monday of the month at 3:00 pm, and our next meeting is April 17.