

Weekly Legislative Update: **Criminal Justice**

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Bills Needing Action This Week

Please read Bill Descriptions below to see the latest status of other bills.

Sign in Pro for the following bills this week:

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 is scheduled for public hearing Feb. 21 at 1:30 pm and for executive session Feb. 23 at 9:00 am in the House Appropriations Committee.

Sign in PRO on HB 1025 before 12:30 pm Tuesday, Feb. 21

HB 1479/SB 5559 Restricting Use of Restraint and Isolation of Students in Public Schools

These bills ban the use of isolation and mechanical and chemical restraints except when school resource officers are making arrests. HB 1479 is scheduled for public hearing Feb. 21 at 1:30 and executive session Feb. 23 at 9:00 am in the House Appropriations Committee. SB 5559 had a public hearing Feb. 6 in the Senate Early Learning & K-12 Education Committee. Because SB 5559 did not pass out of the policy committee by the Feb. 17 deadline, it will not be moving forward this session.

Sign in PRO on HB 1479 before 12:30 pm Tuesday, Feb. 21

HB 1513/SB 5572: Improving Traffic Safety

These bills prevent 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 is scheduled for public hearing Feb. 21 at 1:30 pm in the House Transportation Committee. SB 5572 had a public hearing Feb. 13 in the Senate Transportation Committee.

Sign in PRO on HB 1513 before 12:30 pm Tuesday, Feb. 21

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 is

scheduled for public hearing Feb. 22 at 1:30 pm and executive session Feb. 24 at 9:00 am in the House Appropriations Committee.

[Sign in PRO](#) before 12:30 pm Wednesday, Feb. 22

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 is scheduled for public hearing Feb. 22 at 1:30 pm and executive session Feb. 24 at 9:00 am in the House Appropriations Committee.

[Sign in PRO](#) before Feb. 22 before 12:30 pm Wednesday, Feb. 22

SB 5533/HB 1586 Vehicle Pursuit Study Group

These bills (which are slightly different) authorize the Criminal Justice Training Commission to create a work group to study vehicle pursuits and come up with policy recommendations. The bills also authorize a grant program for tools such as GPS tracking, automated license plate readers, and drones. SB 5533 had a public hearing Feb. 14 in the Senate Ways & Means Committee. HB 1586 passed out of the House Community Safety, Justice, & Reentry Committee Feb. 16.

[Sign in PRO](#) on HB 1586 before 12:30 pm Wednesday, Feb. 22

Sign in Con for the following bill this week:

SB 5352/HB 1363 Rolling Back Limitations on Vehicular Pursuits

These bills would roll back the common-sense 2021 limitations on vehicular pursuits that have reduced deaths and made our communities safer. SB 5352 was referred to the Senate Law & Justice Committee Jan. 13. HB 1363 is scheduled for public hearing Feb. 20 at 1:30 pm in the House Transportation Committee. Because SB 5352 did not pass out of the policy committee by the Feb. 17 deadline, it will not be moving forward this session.

[Sign in CON](#) on HB 1363 before 12:30 pm Monday, Feb. 20

Bill Descriptions

Priority Bills We Support

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. HB 1024 passed out of the House Appropriations Committee Feb. 13.

HB 1087/SB 5135 Ending Long-Term Solitary Confinement

These bills recognize that long-term solitary confinement constitutes torture under international law and causes severe psychological trauma. They state 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. They limit the number of days that people can be held in solitary confinement and ban the practice for vulnerable people, such as those with mental or physical disabilities and pregnant people. HB 1087 was scheduled for executive session Feb. 13 in the House Appropriations Committee, but no action was taken. SB 5135 had a public hearing Jan. 23 in the Senate Human Services Committee. Because SB 5135 did not pass out of the policy committee by the Feb. 17 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. The bill was referred to the House Appropriations Committee on Feb. 2.

HB 1324/SB 5475 Eliminating juvenile offenses from offender scores

These bills eliminate juvenile offenses from offender scores used to determine sentencing ranges for crimes. HB 1324 was referred to Rules 2 Review on Feb. 6. SB 5475 was referred to the Senate Law & Justice Committee Jan. 19. Because SB 5475 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 is scheduled for executive session Feb. 22 at 1:30 pm in the House Appropriations Committee.

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 was passed to the Rules Committee for second reading Feb. 16.

SB 5128 Increasing Jury Diversity

This bill requires collection of data on juror demographics and provides additional compensation for jurors who qualify for certain low-income programs. It had a public hearing Jan. 31 in the Senate Ways & Means Committee.

SB 5383/HB 1428 Legalizing Jaywalking

These bills address the longtime racial bias in enforcement of jaywalking laws and allow pedestrians to cross a roadway at any point as long as it's reasonably safe to do so. SB 5383 had

a public hearing Feb. 13 in the Senate Transportation Committee. HB 1428 had a public hearing Feb. 8 in the House Transportation Committee.

SB 5434/HB 1440 Raise the Age in Juvenile Court

These bills raise the age for jurisdiction of juvenile court from 8 to 13 and establish a task force to study raising the age limit for juvenile court up through age 20. SB 5434 was referred to the Senate Ways & Means Committee Feb. 9. HB 1440 had a public hearing Feb. 10 in the House Human Services, Youth, & Early Learning Committee. Because HB 1440 did not pass out of the policy committee by the Feb. 17 deadline, it will not be moving forward this session.

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 is scheduled for executive session Feb. 20 at 1:30 pm in the House Appropriations Committee.

HB 1432/SB 5474 Eliminating juvenile legal financial obligations

These bills eliminate juvenile legal financial obligations and create a community compensation program that is more equitable and better serves people who have been harmed. HB 1432 had a public hearing Feb. 1 in the House Human Services, Youth, & Early Learning Committee. Because HB 1432 did not pass out of the policy committee by the Feb. 17 deadline, it will not be moving forward this session. SB 5474 had a public hearing Feb. 18 in the Senate Ways & Means Committee.

HB 1798 Earned Release Time for Good Behavior. This bill standardizes the allowable time off of a sentence for good behavior at up to $33 \frac{1}{3}$ of a person's sentence, subject to some exceptions. It was referred to the House Community Safety, Justice, & Reentry Committee Feb. 8. Because this bill may be deemed Necessary to Implement the Budget (NTIB), it may still move forward even though it did not pass out of the policy committee by the Feb. 17 deadline.

Bills We Oppose:

SB 5035/SB 5467/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, and these bills toughen the penalties for drug possession. SB 5035 makes counterfeit drug possession a felony, while SB 5467 and SB 5536 make possession a gross misdemeanor. Diversion would no longer be mandatory. These bills had public hearings Feb. 6 in the Senate Law & Justice Committee. SB 5536 had a public hearing Feb. 18 at 9:00 am in the Senate Ways & Means Committee. Because SB 5035 and SB 5467 did not pass out of the policy committee by the Feb. 17 deadline, they will not be moving forward this session.

SB 5361 Encouraging Local Governments to Hire More Police Officers

This bill authorizes cities and counties to impose additional sales and use taxes to hire more law enforcement officers. It does not prioritize alternative responses and ignores data showing a

lack of correlation between crime rates and the number of police officers. SB 5361 was referred to the Senate Ways & Means Committee Jan. 27.

Bills We Support That Are Not Moving Forward

SB 5451/HB 1325 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. SB 5451 was scheduled for executive session Feb. 16 in the Senate Law & Justice Committee, but no action was taken. HB 1325 was referred to the House Community Safety, Justice, & Reentry Committee Jan. 16. Because neither bill passed out of the policy committee by the Feb. 17 deadline, they 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 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 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.

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@lwvwa.org or Deb Carstens at dcarstens@lwvwa.org. We meet on the third Monday of the month at 3:00 pm, and our next meeting is Feb. 20.