

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.

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 passed out of the House Appropriations Committee Feb. 23.

[Ask your representatives](#) to **vote YES on HB 1025**.

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. 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.

HB 1324 Eliminating juvenile offenses from offender scores

This bill eliminates juvenile offenses from offender scores used to determine sentencing ranges for crimes. It was referred to the House Rules Committee Feb. 6.

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 referred to the House Rules Committee Feb. 24.

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 passed out of the House Transportation Committee Feb. 23.

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 passed out of the House Appropriations Committee Feb. 24.

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 Senate 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 passed out of the Senate Ways & Means Committee Feb. 24.

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.

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 passed out of the House Appropriations Committee Feb. 24.

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 was referred to the House Rules Committee Feb. 23.

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 referred to the House Rules Committee Feb. 24.

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.

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. 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 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. The substitute bill adopts some of the recommendations of the Substance Use Recovery Services Advisory Committee (SURSAC) that were included in SB 5624. It was referred to the Senate Rules Committee for second reading Feb. 24.

HB 1363 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 was referred to the House Rules Committee Feb. 24.

Bills We Support That Are Not Moving Forward

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.

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