

## SUPERIOR COURT JUDGES' ASSOCIATION

POSITIONS TAKEN As of  
April 22, 2011

Bill	Bill Title	Position/Comments	Date
<del>z-0567-3</del>	<del>Concerning the disposition and collection of court income</del>	----- J. Wartnik rec refer to Committee and to DMCJA and BJA.	02/11/2011
<del>SHB-1001</del>	<del>Pro se defendant/sex offense</del>	Oppose Opposed on 1-14, but DMCJA and BJA have under review. Continue to oppose. Although it requests a court rule, it still directs what the rule must contain.	02/04/2011
<del>HB-1001</del>	<del>Pro se defendant/sex offense</del>	Oppose Testified in opposition, but will work within the context of rule making. Requests the supreme court to adopt rules that reduce the risk of trauma to victim-witnesses in criminal proceedings involving sex offenses when the defendant is acting pro se. BJA reviewed on 1-10-11 and objects to the legislature mandating court management. J Warning will testify at hearing on 1-12-11 to state objection on that principle and provide generic civic info about judicial discretion on managing court.	01/14/2011
<del>HB-1007</del>	<del>Earned release time increase</del>	No Position Concerns about truth in sentencing. Allows, prospectively and retroactively, increased earned release time for certain offenders.	01/14/2011
<del>HB-1010</del>	<del>Total confinement</del>	No Position NP but concerns about truth in sentencing. Per J. Wartnik, might want to oppose on truth in sentencing basis. Amends equation that calculates time in confinement to time in an alternative to confinement.	01/14/2011
<del>HB-1011</del>	<del>Earned release time/jails</del>	No Position NP, but concerns about truth in sentencing. Per J. Wartnik, might want to oppose on truth in sentencing basis. A correctional agency may adopt an earned release program that exceeds one-third of the total sentence for those offenders who qualify. The aggregate earned release time may not exceed fifty percent of the sentence. If the correctional agency adopts an earned release program that exceeds one-third of the total sentence, an offender is qualified to earn up to fifty percent of aggregate earned release time.	01/14/2011
<del>HB-1020</del>	<del>Earned release/fifty percent</del>	Concerns If the sentencing grid is shoved down, it will affect local jail population; i.e., shift incarceration expenses to local level. Also concerned about truth in sentencing. Continues availability of fifty percent earned release for certain nonviolent offenders. Requires DOC to recalculate the earned release date of certain offenders.	01/14/2011

HB 1021	<del>Family law &amp; adoption cases</del>	Support	01/21/2011
HB 1026	<del>Adverse possession actions</del>	No Position Specifies procedures for adverse possession actions.	01/14/2011
HB 1030	<del>Felons' voting rights</del>	----- BJA took no position, policy related.	01/21/2011
HB 1032 (5079)	<del>Consumer protection act</del>	No Position Modifies provisions relating to recovery of costs and fees with regard to the consumer protection act.	01/21/2011
HB 1033 (5022)	<del>Court actions/RCW 42.56.550</del>	No Position Clarifies the Legislature's intent that the statute of limitations for any action brought under section 2 of the act is one year from the date that an agency claims an exemption, provides the records responsive to a request, or indicates that there are no responsive records, whichever occurs last.	01/14/2011
HB 1034 (5025)	<del>Inmate public record request</del>	No Position BJA and DMCJA took NP on 1-18-11. Prohibits a court from awarding penalties in certain actions where the request for public records was made by or on behalf of a person serving a criminal sentence in a state, local, or privately operated correctional facility. BJA reviewed on 1-10-11 and will hold until 1-18-11 for further review by associations.	01/14/2011
HB 1035 (5077)	<del>Eminent domain/economic dev.</del>	No Position Prohibits a public entity from taking property for the purpose of economic development.	01/14/2011
HB 1036 (5079)	<del>Condemning real property</del>	No Position Fiscal note concern. Modifies provisions relating to the right of a municipality to condemn real property due to a threat to public health, safety, or welfare.	01/14/2011
SHB 1037	<del>Correctional inmate claims</del>	No Position Waiver of filing fee for inmates who file civil action or appeal against state. Per J. Wartnik, the striker amendment removes our Concern about the court's responsibility to investigate – We should now take No Position.	04/08/2011
		Concerns Ask for meeting with Ross to explain concerns. (AS OF HOUSE 2ND READING 3/03/11) Restricts certain legal claims by a person serving a criminal sentence in a federal, state, local, or privately operated correctional facility. Per J. Wartnik, continue to take a position of Concerns on the striker.	04/01/2011
HB 1037	<del>Correctional inmate claims</del>	Concerns (1) Doesn't distinguish between civil and criminal; (2) Judges have no technical	01/28/2011

		ability to check; (3) Conflicts with Rules of Professional Conduct (judges cannot have ex parte contact or investigate unless expressly authorized by law). Defendant should have this burden. Restricts certain legal claims by a person serving a criminal sentence in a state, local, or privately operated correctional facility. BJA review on 1-10-11 and took position of concern.	
		No Position There are 3 practical problems with this version. Ask TP to pass on concerns. 1. does not distinguish between criminal and civil 2. do not know the outcome of other causes of action and 3. possible ethics problem (site RPC) on looking up outcome from other causes. If a person serving a criminal sentence in a state, local, or privately operated correctional facility seeks leave to proceed in any legal action in any state court at public expense, the court shall deny the request and dismiss any action, appeal, or special proceeding, if that person has, on 3 or more prior occasions, while incarcerated, brought an appeal, legal action, or special proceeding that was dismissed by a state or federal court on the grounds that it was frivolous or malicious, unless the person is in imminent danger of serious physical injury.	01/14/2011
HB 1044 (5237)	<b>Office of open records</b>	No Position Creates an independent office of open records within the office of administrative hearings.	01/14/2011
HB 1047	<b>Code enforcement officers</b>	No Position Includes assaulting a code enforcement officer in the crime of assault in the third degree.	01/14/2011
HB 1048	<b>Campaign finance provisions</b>	No Position Makes technical corrections needed as a result of the recodification of campaign finance provisions	01/14/2011
HB 1050	<b>Children w/ military parents</b>	No Position Modifies provisions relating to residential time and visitation rights with regard to parents with military duties.	01/14/2011
HB 1051	<b>Trusts and estates</b>	No Position	01/21/2011
SHB 1053	<b>Guardianship task force</b>	----- Implementing recommendations from the Washington state bar association elder law section's executive committee report of the guardianship task force. Per J. Wartnik, there is no significant change - Continue to Watch.	04/15/2011
		Watch According to lobbyist for WSBA, they are not pursuing this session. (AS OF HOUSE 2ND READING 3/07/11) Implements recommendations from the Washington State Bar Association Elder Law Section's Executive Committee Report of the Guardianship Task Force.	04/01/2011
		-----	03/04/2011

		Oppose Cont to oppose due to funding mechanism to impose fees for service, besides which the fee may be inadequate to actually pay for what is required. TP to coordinate with Mellani M about how to contact sponsors and share opposition about the fee structure. Implements recommendations from the state bar association elder law section's executive committee report of the guardianship task force.	02/25/2011
		Support/Oppose Although we support the taskforce and training, we continue to oppose the funding mechanism. Give report to TP and ask him to report specific opposition to sponsor.	02/11/2011
		Oppose Oppose fee section (11) as user fee. Per email from Mellani, need to look at funding mechanism. Sub may include a new court fee.	02/04/2011
HB 1053	<b>Guardianship task force</b>	Support	01/21/2011
<del>HB 1063</del>	<del>Juveniles, life w/out parole</del>	No Position Provides juveniles sentenced as adults to life without parole with meaningful periodic sentencing reviews to be conducted by ISRB.	01/14/2011
<del>HB 1064</del>	<del>School truancy</del>	Oppose See FJLC report for comments. Ask TP to schedule meeting with Rep Roberts to share concerns. Addresses school truancy diversions and school reengagement programs; petitions to juvenile court; requirements of the court; finding a child in contempt; and warrants for arrest of a child. Changes shall to may, restricts use of warrants on FTA and contempt.	01/14/2011
<del>HB 1072</del>	<del>Chemical dependency</del>	Oppose See WAJCA email outlining concerns. Have judge and JCA testify to oppose. It might be best practice, but is completely unpractical for drug courts, rural or urban.	01/21/2011
<del>HB 1073</del> (5190)	<del>Disposition of remains</del>	No Position Addresses disposition of human remains when the decedent died while serving on active duty in any branch of the US armed forces.	01/21/2011
<del>HB 1097</del>	<del>Sex offender registration</del>	No Position	01/21/2011
<del>HB 1100</del> (5073)	<del>Medical use of cannabis</del>	No Position Intends to amend and clarify the law on the medical use of cannabis, including who are qualifying patients and changes various definitions.	01/14/2011
<del>HB 1104</del> (5042)	<del>Vulnerable adults</del>	No Position Expands the definitions of vulnerable adult and financial exploitation in chapter 74.34 RCW. Authorizes DSHS to share certain reports and findings with appropriate state or local agencies, law enforcement agencies, AG, tribes, etc. Authorizes DSHS adult protective services to enter agreements with tribes to investigate reports of	01/14/2011

		abandonment, abuse, neglect, financial exploitation, or self neglect on property over which a tribe has jurisdiction.	
HB 1113	<b>Felony DUI/prior offenses</b>	No Position Modifies provisions relating to prior offenses with regard to felony driving or being in physical control of a vehicle while under the influence.	01/14/2011
HB 1114	<b>Foreign country adoptions</b>	No Position Authorizes an adoptive parent to petition the court for refinalization of a foreign adoption when conditions are met - outlined in section 1.	01/14/2011
HB 1115	<b>State officials' salaries</b>	----- BJA took position to watch. In the event of a general salary reduction for state employees, salary commission immediately file a new salary schedule reducing the salaries of state elected officials, members of the legislature, and judges of the supreme court, court of appeals, superior courts, and district courts commensurate with the reduction for state employees. This bill was introduced by a Lewis County Republican with two R co-sponsors.	01/19/2011
HB 1123	<b>Prostitution and sex crimes</b>	No Position Modifies provisions relating to sentencing or imposition of conditions for certain prostitution and sex crimes.	01/14/2011
HB 1126	<b>Criminal street gangs</b>	Oppose Oppose funding mechanism in proposed sub.	03/11/2011
		Concerns Oppose sections 15 which establishes priority and section 25 which has workload concern. Will request court fiscal note. Ask TP to pass along oppositin and concern to sponsor.	01/21/2011
2SHB 1128 (5245)	<b>Extended foster care</b>	Support (AS OF HOUSE 2ND READING 3/02/11) Declares an intent to fully engage in the federal fostering connections act by providing support, including extended court supervision to foster youth pursuing a high school diploma or GED to age twenty-one with the goal of increasing support to all children up to age twenty-one who are eligible under the federal fostering connections to success act as resources become available. Per J. Wartnik, we Support the earlier version – Refer striker to the Committee.	04/01/2011
SHB 1128 (5245)	<b>Extended foster care</b>	Support Extended foster care. Per J. Wartnik, it has been gutted - change to No Position.	02/25/2011
HB 1128 (5245)	<b>Extended foster care</b>	Support Extended foster care services. Foster youth who reach age of eighteen while still in foster care with continued foster care services to support basic and healthy transition into adulthood.	01/21/2011

		No Position Provides dependent foster youth and who reach the age of 18 while still in foster care with continued foster care services to support basic and healthy transition into adulthood. Engages in the fostering connections act by supporting foster youth to age nineteen with the goal of increasing support to age 21 as resources become available.	01/14/2011
HB 1145 (5060)	<b>Mail theft</b>	No Position Recognizes the seriousness of taking personal, medical, or financial identifying information and compromising the integrity of our mail system. Creates the crimes of theft of mail and possession of stolen mail.	01/14/2011
2SHB 1153	<b>DNA sample collection costs</b>	Support Expands the fee for collection of a biological sample used for DNA identification. Imposes the fee regardless of whether a biological sample was collected. J. Wartnik rec continue to support.	02/25/2011
HB 1153	<b>DNA sample collection costs</b>	Support DMCJA request bill	01/21/2011
<del>HB 1159</del>	<del><b>Crime victims' rights</b></del>	Oppose BJA voted to oppose. Prosecutors responsibility and shows undo partiality on behalf of judge.	01/21/2011
<del>HB 1160</del>	<del><b>Adverse possession claims</b></del>	No Position J Prochnau will review and send notice if needs to be back on agenda. Prohibits adverse possession claims from being brought under statute or common law.	01/14/2011
SHB 1180	<b>Antiharassment protection</b>	Watch Expands the protections for victims of stalking and harassment in antiharassment protection orders. Authorizes a court, that grants a civil antiharassment protection order, to require a respondent to: (1) Participate in treatment or counseling services; and (2) Submit to global positioning system monitoring. Requires the administrative office of the courts to: (1) Develop a pattern form for antiharassment protection orders based on acts of stalking; and (2) Distribute a master copy of the pattern form to all court clerks and all superior, district, and municipal courts. Per J. Wartnik, still includes global position system monitoring - continue to watch.	02/25/2011
		Watch Defines stalking and requires court to make specific findings and mandatory arrest for violation of anti-harassment order on stalking. DV Coalition does not like bill and wants to work on all anti-harassment issues over interim. No comment yet from law enforcement or counties. J Wartnik will alert if bill moves forward.	02/11/2011
<del>HB 1180</del>	<del><b>Antiharassment protection</b></del>	Oppose Anne will articulate specific objections and ask TP to pass to sponsor. Expands the protections for victims of stalking and harassment in antiharassment protection orders. Requires AOC to develop a pattern form for antiharassment protection orders based on acts of stalking and to distribute the form to certain parties. Per J. Wartnik,	01/21/2011

		refer to committee with recommendation to oppose due to process issues.	
HB 1182	<b>Tampering with a witness</b>	No Position Clarifies that each instance of an attempt to intimidate or tamper with a witness constitutes a separate violation.	01/21/2011
HB 1188	<b>Domestic violence offenses</b>	No Position Includes assaulting another by suffocation in the crime of 2nd degree assault. Provides that prior convictions for a repetitive DV offense shall not be included in the offender score in certain circumstances.	01/21/2011
<del>HB 1193</del>	<del><b>Offender violations</b></del>	No Position Requires an offender who violates any condition or requirement of a sentence to serve a mandatory minimum term of 48 hours in total confinement for each violation.	01/21/2011
HB 1194	<b>Bail for felony offenses</b>	No Position Eliminates expiration of the requirement of a judicial officer to determine bail for certain persons, extends ban on bail schedules. Regina has surveyed counties on how elimination of bail schedules has impacted court practices. Will refer back to BJA if necessary.	01/21/2011
<del>HB 1201</del>	<del><b>Retirement age for judges</b></del>	No Position Will bump for review until next week. BJA decided to hold off on taking a position.	01/21/2011
<del>HB 1205</del>	<del><b>Court reporter licensing</b></del>	No Position Addresses the licensing of court reporters.	01/21/2011
HB 1206	<b>Criminal justice participants</b>	No Position Related to harassment against criminal justice participants, provides definition. BJA and DMCJA took NP on 1-18.	01/21/2011
<del>HB 1209</del>	<del><b>Community corrections</b></del>	No Position Related to community corrections on supervision of offenders. Recommends improvement to community custody. Fiscal concern.	01/21/2011
<del>HB 1235</del>	<del><b>Nonconviction records</b></del>	No Position Establishes the records privacy act of 2011. Provides clarity in the information publicly disseminated by the courts and other criminal justice agencies about individuals in order to protect people's privacy by having the courts and other criminal justice agencies provide information to the public that does not involve either an unfiled case or a case that resulted in an exonerating disposition.	01/21/2011
<del>HB 1245</del> (5630)	<del><b>Municipal court judges</b></del>	Support Muni court elections bill - BJA request. J. Wartnik rec refer to DMCJA.	01/21/2011

HB 1253	<b>Family support act</b>	No Position Revises the uniform interstate family support act. Janet will review and give a suggestion on full committee review.	01/28/2011
HB 1266	<b>Landlord-tenant act</b>	No Position Revises the landlord-tenant act and other related provisions.	01/21/2011
HB 1267	<b>Domestic partners/parentage</b>	No Position Expands and clarifies the rights and obligations of state registered domestic partners and other couples related to parentage. Establishes consistent standards and procedural safeguards for the protection of all parties involved in a surrogacy contract in this state and to confirm the legal status of children born as a result of these contracts.	01/21/2011
HB 1276 (5533)	<b>Legal financial obligations</b>	Oppose J van D talked to Kevin Stock to clarify how Becca was proviso'd in previous years via budget bill, not via policy bill. Ask J Godfrey and TP to talk to sponsors to notify them of SCJA opposition. Clerk's LFO bill, protecting LFO money from being reduced in AOC budget. BJA opposes.	02/04/2011
		Oppose Clerk's bill to protect LFO funds from being cut. Impact to AOC and Sup Ct budget. Modifies provisions relating to the collection of LFOs by county clerks. BJA took position to continue to keep bill under review.	01/21/2011
HB 1285	<b>Synthetic cannabinoids</b>	No Position Regulates synthetic cannabinoids.	01/21/2011
<del>2SHB 1289</del>	<del><b>Juvenile court jurisdiction</b></del>	Support Per J. Wartnik, the amendment eliminates sub-section 4 on the last page of the original bill – Continue to Support. Must be done within existing resources.	03/04/2011
<del>SHB 1289</del>	<del><b>Juvenile court jurisdiction</b></del>	Support We support but take No Position on Reinstatement of Mandaory Decline for 1st/2nd murder. Modifies provisions relating to juvenile court exclusive original jurisdiction and hearings on question of declining jurisdiction. We supported the original bill which eliminated mandatory declines; this substitute bill reinstates murder 1st and 2nd as subject to mandatory decline if the youth is 16 or 17 at the time the crime is committed.	02/18/2011
HB 1289	<b>Juvenile court jurisdiction</b>	----- Need to discuss the fiscal concerns of WAJCA. Dickerson has requested court testimony at hearing WED 2-3-11.	01/28/2011
		Support Modifies provisions relating to juvenile court exclusive original jurisdiction and hearings on question of declining jurisdiction.	01/21/2011

<del>SHB 1291</del> (5368)	<b>Collective bargaining</b>	No Position Modifies public employees' collective bargaining provisions relating to certain employees of the department of corrections and juvenile court services. Per J. Wartnik, no significant change - continue to watch.	02/25/2011
<del>HB 1291</del> (5368)	<b>Collective bargaining</b>	Watch Modifies public employees' collective bargaining provisions relating to juvenile detention officers and DOC corrections.	01/28/2011
HB 1298	<b>Child support order forms</b>	No Position Eliminates the child support order summary report form requirement.	01/21/2011
<del>HB 1299</del> (5089)	<b>Pub records request disputes</b>	No Position Authorizes a requester and an agency, before filing any court action alleging a violation of the public records act, to confer in person or by telephone regarding any dispute.	01/21/2011
<del>HB 1323</del>	<b>Delayed offender sentencing</b>	Support SCJA request legislation.	01/21/2011
HB 1334 (5030)	<b>Civil judgments for assault</b>	No Position Authorizes deductions from certain inmates' funds and wages for payment of any civil judgment for assault for inmates who are subject to a civil judgment for assault in any Washington state or federal court.	01/21/2011
<del>HB 1360</del> (5672)	<b>Health care liability reform</b>	No Position Provides for health care liability reform by addressing joint and several liability, noneconomic damages, statute of limitations, attorneys' fees upon summary judgment dismissal, promoting periodic payments of future damages, and encouraging early settlement offers. Requires DOH, in consultation with the department of revenue, to develop a program to provide business and occupation tax credits for physicians who serve uninsured, medicare, and medicaid patients in a private practice or a reduced fee access program for the uninsured.	02/11/2011
HB 1362 (5275)	<b>Homeowner foreclosures</b>	No Position Establishes the foreclosure fairness act. Protects and assists homeowners from unnecessary foreclosures.	01/21/2011
<del>HB 1371</del> (5469)	<b>Boards and commissions</b>	No Position Take NP on bill, but if SGC eliminated, will advocate for WSCCR to take on responsibility to collect crim history and dispo data for adults and juveniles. Eliminates executive branch boards and commissions, including SGC.	01/21/2011
HB 1399 (5880)	<b>Legal financial obligations</b>	----- Addresses collections on legal financial obligations. J. Wartnik rec No Position – Adds consideration of victim's needs in providing restitution and support to RCW 9.94A.010 accountability list and permits the department and county clerk to enter into agreements regarding the county clerk making recommendations to the court	03/25/2011

		for adjustment of monthly restitution payments.	
		No Position Modifies provisions relating to collections on legal financial obligations.	01/21/2011
HB 1435	<b>Persons wrongly convicted</b>	No Position Provides compensation for persons who have been wrongly convicted and imprisoned. Provides cause of action and method for award of damages.	01/28/2011
HB 1442	<b>Abortion/parent notification</b>	No Position Requires notification to certain parties before a physician may perform an abortion on a person under the age of 18.	01/28/2011
HB 1455	<b>Firearm possession rights</b>	No Position J. Wartnik (Either the county where the conviction occurred or where the petitioner resides). Authorizes an individual to petition a court of record to have his or her right to possess a firearm restored only at: (1) The court of record that ordered the petitioner's prohibition on possession of a firearm; or (2) The superior court in the county in which the petitioner resides.	01/28/2011
SHB 1530	<b>Becca bill</b>	Oppose Makes certain truancy petitions and other requirements that apply to schools and school districts, relating to unexcused absences, discretionary rather than mandatory. Per J. Wartnik, eliminates the suspension of the filing of petitions for March 1 through July 1, 2011 – Change position from Oppose to No Position.	02/25/2011
HB 1530	<b>Becca bill</b>	Oppose Suspends requirement for schools to file truancy petitions between March and June, necessary to implement House version of the supplemental budget. Senate version of supplemental budget does not cut truancy. Public hearing on 1/31.	01/28/2011
HB 1545	<b>Persons w/mental disorders</b>	No Position Lowers standards related to probable cause determination by judge during non-working hours. Big workload issues for courts. Ask AOC for court fiscal note.	01/28/2011
		No Position Lowers standards related to probable cause determination by judge during non-working hours. Big workload issues for courts. Ask AOC for court fiscal note. Changes burden of proof from "imminent" to "a substantial likelihood of serious harm" and designates who the mental health professional can consider info from. Authorizes designated crisis responders and designated MH professionals, when making a determination for a 72 hr detention, to consider information provided by families, landlords, neighbors, or others with significant contact and history of involvement with the person. Requires the research and data analysis (DSHS) to track and review: (1) Outcomes regarding certain commitments; and (2) The cost of providing treatment as a result of the implementation of the act.	01/28/2011

HB 1547	<b>Criminal alien offenders</b>	No Position	02/04/2011
		Watch Eliminates need for approval of court and prosecutor. Notified Judge Yu who is reviewing 5140 - similar but not identified as a companion.	01/28/2011
HB 1550 (5598)	<b>Cannabis</b>	No Position Regulates the production, distribution, and sale of cannabis. Decriminalizes and commercializes cannabis through the Liquor Control Board.	01/28/2011
HB 1552	<b>Garnishment</b>	No Position Modifies garnishment provisions relating to: (1) Estimated interest on a per diem basis; (2) Form of writ; (3) Continuing lien on earnings; (4) Exemption of earnings with regard to the state minimum hourly wage; (5) Answer of garnishee; (6) Default judgments; (7) Application by plaintiff for the judgment and order to pay ex parte; and (8) Signature by attorney of record on notice to federal government garnishee defendant.	01/28/2011
HB 1555	<del><b>Vehicular homicide sentences</b></del>	No Position Deals with scoring under the SRA when a person is convicted of two or more counts of vehicular homicide. Increases the seriousness level for the crime of vehicular homicide.	01/28/2011
SHB 1565	<b>Domestic violence protection</b>	No Position Concerning the modification and termination of domestic violence protection orders.	02/25/2011
HB 1565	<b>Domestic violence protection</b>	No Position Will list concerns and pass onto sponsor. Will sign in with concerns at hearing on 1/31 and hve the list to the sponsor by hearing on 2/3. Pattern forms and procedures are pending. Deals with standards for terminating or modifying domestic violence protection order in opposite to In re Marriage of Freeman. Establishes procedures and guidelines for determining whether a domestic violence protection order should be terminated or modified. See comments from G&J.	01/28/2011
HB 1591 (5552)	<del><b>Protection orders/workplace</b></del>	No Position Companion to 1591 - took NP.	02/04/2011
		No Position Adds workplace as a location for which a "No contact" can be ordered and authorizes such other conditions as the court sees fit. Allow employers to petition on behalf of employees and their businesses. J Prochnau less concerned because it includes a section which requires the employer to attempt to get consent of their employee before filing. Still creates confusion about whether an employer or employer's agent may petition pro se or whether this will be considered unauthorized practice of law when petitioning on behalf of an artificial entity or third person.	01/28/2011

HB 1602	<b>Parents' rights restoration</b>	Watch Establishes the restoration of parents' rights act.	01/28/2011
HB 1610 (5536)	<b>Water resources management</b>	No Position Regarding the management of water resources.	02/25/2011
		No Position We take No Position but Support change to sec. 3. Promotes active water management that protects and restores sustainable water supplies for our communities, farms, and ecosystems. Promotes water supply assessments as a foundational and science-based extension of current watershed planning and implementation efforts to project future water supply needs and availability. Reforms current statutory provisions to promote administrative efficiencies and active water management. Directs the department of ecology to recommend ways to make the state's water resource management program financially self-sufficient. Eliminates the water rights tracking system account.	02/18/2011
SHB 1626 (5579)	<b>Harassment</b>	Support Modifies harassment provisions. Waiting for concurrence. Per TP, will go to gov in May.	04/15/2011
		----- (AS OF HOUSE 2ND READING 3/01/11) Addresses harassment provisions relating to: (1) The district courts' original jurisdiction; (2) Municipal courts and district courts transferring certain actions and proceedings to superior court; (3) Exemption from protection orders; and (4) Determination of criminal history or pendency of other proceedings involving the parties. Per J. Wartnik, this bill is one we Support but there is a subsequent striker amendment that is not online yet – I have placed it on the agenda in case the striker becomes available by our meeting time.	03/25/2011
		Support Addresses harassment provisions relating to: (1) The district courts' original jurisdiction; (2) Municipal courts and district courts transferring certain actions and proceedings to superior court; (3) Exemption from protection orders; and (4) Determination of criminal history or pendency of other proceedings involving the parties. J. Wartnik rec continue to Support.	02/25/2011
HB 1626 (5579)	<b>Harassment</b>	Support Cont to testify in support, despite fiscal note. Per J. Wartnik, we took a Support position as to 1626 but wanted to delete the non-indigency fee waive which cannot be accomplished – Recommend Support of the bill with the waiver included. 2 mil FN	02/11/2011
		Support SCJA request bill on anti-harassment. Allows JIS check and puts original jurisdiction in District Court. SCJA agrees to amended language suggested by DV advocates.	02/04/2011
		Support SCJA request bill on anti-harassment. J. Wartnik recommends: Support exclusive jurisdiction in being placed in district courts.	01/28/2011

<del>HB 1632</del>	<del>Cost of supervision</del>	No Position Addresses offender supervision intake fees.	02/11/2011
<del>HB 1646</del>	<del>Vehicular homicide &amp; assault</del>	No Position Not a companion but similar to HB 1555.	01/28/2011
HB 1649	Domestic partnerships	No Position Gives legal effect to domestic partnerships. Recognizes validity of domestic partnership agreements entered into under similar laws of another state.	02/04/2011
<del>HB 1657</del>	<del>Sex offenses</del>	No Position Removes the statute of limitations for: (1) Rape in the first and second degree if the victim is under the age of eighteen at the time the crime is committed; and (2) Rape of a child in the first and second degree.	02/04/2011
<del>HB 1680</del>	<del>Child abuse investigations</del>	No Position J. Wartnik rec Support sections 1 and 2 and take NP on sections 3 and 4. Declares an intent to: (1) Overrule Tyner v. DSHS and other cases in which the courts have held that chapter 26.44 RCW (abuse of children) creates an implied right of action for parents or other caretakers who are alleged abusers; (2) Codify certain portions of the holdings in M. W. v. DSHS and Roberson V. Perez relating to tort liability; (3) Clarify that child abuse investigators are entitled to the same witness immunity as other witnesses in court proceedings and liability shall not be imposed on the state in cases where DSHS or investigators are following orders of the court; and (4) Protect interests of the parents through certain judicial review and other procedures.	02/04/2011
<del>HB 1681</del>	<del>Employer liability</del>	No Position	02/04/2011
HB 1718	Offenders w/devel disability	No Position Relates to MH courts and guidelines for how jails manage inmates with DD, MH, or traumatic brain injuries and transfer of care between jail and DOC.	02/04/2011
		No Position Relates to MH courts and guidelines for how jails manage inmates with DD, MH, or traumatic brain injuries and transfer of care between jail and DOC.	02/04/2011
<del>HB 1744</del>	<del>Voluntary intoxication</del>	No Position legislative redefinition of the mens rea element for specific and general intent crimes where voluntary intoxication is alleged as part of a defense, that a voluntary intoxicated condition or state is not a defense to any criminal offense, and that voluntary intoxication may not be taken into consideration in determining the existence of a mental state which is an element of the offense unless the defendant proves that he or she did not know that it was an intoxicating substance when he or she consumed the substance causing the condition or state.	02/04/2011

HB 1759	<b>Counseling definitions</b>	Support This is the WAJCA request bill re: probation counselor certification requirement by DOH.	02/04/2011
HB 1774 (5692)	<b>Adopted siblings/relatives</b>	No Position companion 1774 - Recognizes adopted siblings, half siblings, and adoptive parents of any sibling or half sibling for purposes of chapter 74.15 RCW (care of children, expectant mothers, and developmentally disabled).	02/11/2011
HB 1775 (5706)	<b>Juvenile restorative justice</b>	Support While we cont to support bill, the Senate striker removed application of VOM to diversion programs which is what the WAJCA had included in the bill. Makes the bill not have relevance. Ask TP or TM to go back to Hargrove who took diversion out and point out why it makes the bill less relevant.	04/15/2011
		Support Encouraging juvenile restorative justice programs. Per J. Wartnik, the striker presents a technical correction – Continue to Support.	04/01/2011
		Support Juvenile Restorative Justice programs - amendment proposed by WAJCA was adopted and included in substitute. WAJCA will watch and ensure amendment is in companion bill.	03/04/2011
		Support Now has companion 5706. Support with corrective language.	02/11/2011
		Support WAJCA notes problem in referring a youth to a restorative justice program AFTER counsel and release. Once they are excused, there is no jurisdiction to refer a youth to the program. Not a bad theory, but the language should be amended. WAJCA will follow up with sponsor.	02/04/2011
HB 1779	<b>Joint and several liability</b>	No Position Modifies provisions relating to joint and several liability.	02/04/2011
HB 1794 (5046)	<b>Assault/court-related empl.</b>	Support Support companion 5046. BJA request bill.	02/04/2011
HB 1835	<b>Assault in the first degree</b>	No Position Revising the crime of assault in the first degree.	02/04/2011
HB 1842 (5202)	<b>Sexually violent predators</b>	----- Regarding sexually violent offenders. Per J. Wartnik, we Oppose but I suggest that we change to No Position as the striker seems to resolve the basis for our opposition.	03/25/2011
		No Position Duty to not continue the hearing has been removed in substitute.	03/04/2011

		Oppose TP will bring comments to sponsor. Opposition is based on sections that micromanage court process. Anne will articulate objections (J Middaugh has done analysis) and exec can authorize TP to bring to sponsor. Brings the civil commitment laws under chapter 71.09 RCW (sexually violent predators) further in line with other civil commitment laws, including the commitment of the mentally ill under chapter 71.05 RCW and the commitment of the criminally insane under chapter 10.77 RCW.	02/04/2011
HB 1862 (5423)	<b>Legal financial obligations</b>	Support Legal financial obligations. J. Wartnik rec continue to Support.	02/25/2011
		Support Increases judicial discretion but want to amend final section (3) to remove adjudicated delinquents. companion 5423 - took NP. Creates a mechanism for courts to eliminate interest accrued on nonrestitution debt during incarceration and improves incentives for payment of LFO in order to foster reintegration and reduce recidivism.	02/11/2011
<del>HB 1879</del> (5690)	<b>Reinstating parental rights</b>	No Position A child may petition the juvenile court to reinstate the previously terminated parental rights of his or her parent if the following requirements are met: the child was previously found to be a dependent child; the child's parent's rights were terminated; the child has not achieved his or her permanency plan within 3 years of a final order of termination or the permanency plan was achieved within 3 years of the final termination order but was not sustained after the child turned 12 years of age and the child was returned to foster care; and the child must be at least 12 years old at the time the petition is filed.	02/11/2011
HB 1895 (5656)	<b>Indian child welfare act</b>	No Position Creating a state Indian child welfare act.	04/01/2011
		No Position (AS OF SENATE 2ND READING 3/05/11) Establishes the Washington state Indian child welfare act. Finds that the state is committed to protecting the essential tribal relations and best interests of Indian children by promoting practices designed to prevent out-of-home placement of Indian children. Declares that the Department of Social and Health Services' policy manual on Indian child welfare, the tribal-state agreement, and relevant local agreements between individual federally-recognized tribes and the Department should serve as persuasive guides in the interpretation and implementation of the federal Indian Child Welfare Act, this act, and other relevant state laws. Per J. Wartnik, see Steve Hassett's (Senior Counsel for the AG) email attached to Judge Warning's email of 3/7).	03/11/2011
		-----	02/18/2011
		Oppose J Warning will check in with sponsors about reason for bill. Offer analysis back to sponsors. AG opposes and Com. Ressa has good analysis. Will review again next week. Establishes the Washington state Indian child welfare act. Finds that the state is committed to protecting the essential tribal relations and best interests of Indian	02/11/2011

		children by promoting practices designed to prevent voluntary or involuntary out-of-home placement. Declares that DSHS policy manual on Indian child welfare, the tribal-state agreement, and relevant local agreements between individual federally recognized tribes and the department should serve as persuasive guides in the interpretation and implementation of the federal ICWA, this act, and other relevant state laws.	
<del>HB 1898</del>	<del>Supreme court campaigns</del>	Oppose Opposed similar bill because of filing fee surcharge to support the judicial election reform act fund. Establishes the judicial election reform act to introduce a program to provide an alternative source of financing candidates for the state supreme court who demonstrate public support and voluntarily accept strict fund-raising and spending limits. Prohibits the public disclosure commission from offering the program until one million dollars is in the judicial election reform act fund. Establishes a three-dollar judicial integrity surcharge to be added to certain fees. Provides for submission of the act to a vote of the people.	02/11/2011
HB 1899	Public records violations	No Position Eliminates the minimum penalty and sets maximum penalty for not complying with PRA at \$500 per day.	02/11/2011
<del>HB 1921</del> (5456)	<del>Death penalty elimination</del>	No Position took NP on companion 5456. Eliminates death penalty.	02/11/2011
<del>HB 1930</del>	<del>Foster parent rights</del>	No Position Concerning foster parent rights. J Wartnik notes potential fiscal impact.	02/11/2011
<del>HB 1931</del>	<del>Failing to supervise minor</del>	No Position Creates an infraction for parents who fail to supervise children, punishable by a fine of \$500 per incident.	02/11/2011
<del>HB 1945</del>	<del>Judges' free speech rights</del>	No Position	02/11/2011
<del>HB 1959</del>	<del>Dependency proceedings</del>	Oppose Specifies that qualified grandparents are the priority placement option for children needing out-of-home care in dependency proceedings.	02/18/2011
<del>HB 1963</del>	<del>Civil marriage equality</del>	No Position This bill and SB 5793 are very similar but not an exact companion.	02/18/2011
<del>HB 1977</del>	<del>Sex offender school access</del>	No Position Creates a crime which goes from Class C to B upon the second conviction for trespassing on school premises and being a sex offender, and includes commercial sexual abuse of a minor as a sex offense.	02/18/2011

HB 1983 (5813)	<b>Prostitution crime fees</b>	No Position Increasing fee assessments for prostitution crimes.	02/18/2011
		No Position Increasing fee assessments for prostitution crimes.	02/18/2011
HB 2029	<b>Sentencing guidelines comm.</b>	Oppose J O'Connor will analyze all SGC related bills and summarize recommendations. Need a letter early next week and follow up in person before hearing on thurs. Provides the SGC is advisory only and may only advise the DOC, the Governor, or the Legislature as deemed necessary by the Secretary, the Governor, or the Legislature. Requires the DSHS to serve as a clearinghouse and information center for the collection, preparation, analysis, and dissemination of information on state and local juvenile sentencing practices and juveniles sentenced as adults. Consolidates adult, juvenile, and sex offender policy commissions/boards and directs courts and juvenile facilities to release records to DSHS for research purposes.	03/25/2011
		Oppose Provides that the Sentencing Guidelines Commission is advisory only and may only advise the Department of Corrections, the Governor, or the Legislature as deemed necessary by the Secretary of the Department, the Governor, or the Legislature. Requires the Department of Social and Health Services to serve as a clearinghouse and information center for the collection, preparation, analysis, and dissemination of information on state and local juvenile sentencing practices and juveniles sentenced as adults. J. Wartnik rec Refer to Family and Juvenile Law Committee and to the Criminal Committee – Consolidates adult, juvenile, and sex offender policy commissions/boards and directs courts and juvenile facilities to release records to DSHS for research purposes.	03/25/2011
HB 2066	<b>Reducing sentences</b>	----- Requires the department of corrections to credit certain offenders with a reduction of one hundred twenty days in his or her release date. Per J. Wartnik: Reducing sentences in order to generate correctional cost savings/tolling of confinement and community custody – Refer to Committee.	04/22/2011
HB 2067	<b>Persons acquitted/costs</b>	No Position Eliminates reimbursement for defense costs of persons acquitted on the basis of self-defense.	04/15/2011
HB 2081	<b>Court fee surcharges</b>	No Position Extends the surcharge but doesn't split fees with county. J. Wartnik rec No Position.	04/15/2011
HJR 4201	<b>State officials' salaries</b>	Watch BJA took position of concerns on 1-18. If approved by the legislature would place a constitutional amendment before the voters next November asking whether language from HB 1115 should be incorporated into the constitution.	01/21/2011
HJR 4203 (8204)	<b>Retirement age for judges</b>	No Position BJA will keep under review. Prefer 5323.	01/21/2011

HJR 4215-	<b>Parents' rights</b>	----- Constitutional amendment that says "The liberty of parents to direct the upbringing and education of their children is a fundamental right" and prohibits governmental infringement unless the governmental interest in the individual case is of the "highest order and not otherwise served"	01/28/2011
HJR 4219- (8214)	<b>State's pension obligations</b>	No Position Proposes an amendment to the state Constitution to ensure that retirement benefits provided under certain state pension plans be funded, to the maximum extent possible, over the working lives of plan members so that employer costs are paid by the taxpayers who receive the benefit of those members' service.	02/11/2011
SB 5004-	<b>Criminal informants</b>	Oppose Requires a reliability hearing to determine credibility of informant. FN concern. Addresses the unreliability of informant evidence and testimony by providing a method to assess informant evidence and testimony and to corroborate its substance.	01/14/2011
SB 5007-	<b>Criminal justice agencies</b>	Support BJA reviewed on 1-10-11 and voted to support with no additional action or advocacy.	01/14/2011
SB 5010-	<b>Supreme court campaigns</b>	Oppose O based on mechanism to fund, consistent with BJA and DMCJA. BJA review on 1-10-11. Support idea but opposed funding mechanism last year. DMCJA oppose because of mechanism to fund, by adding a \$3.00 filing fee to District Court Civil filing fees.	01/14/2011
SB 5011	<b>Victimization of homeless</b>	No Position Makes it an aggravating circumstance if an offense is intentionally committed because the defendant perceived the victim to be homeless. J. Wartnik comment, may want to oppose as it calls for a judicial finding regarding a perception that is subjective and not defined otherwise.	01/14/2011
SB 5014-	<b>Pro se defendants &amp; victims</b>	No Position BJA review on 1-10-11. Oppose based on principle that legislature should not mandate court management, however it is preferred over HB 1001. Commends consideration of competing constitutional provisions to the supreme court of Washington relating to pro se defendants questioning victims in criminal cases.	01/14/2011
SB 5019-	<b>Nonconviction records</b>	No Position fiscal impact concern but NP	01/21/2011
SB 5022- (1033)	<b>Court actions/RCW 42.56.550</b>	No Position Clarifies the Legislature's intent that the statute of limitations for any action brought under section 2 of the act is one year from the date that an agency claims an exemption, provides the records responsive to a request, or indicates that there are no responsive records, whichever occurs last.	01/14/2011

SB 5023 (1146)	<b>Immigration-related services</b>	No Position Ends the practice of nonlawyers providing immigration services that constitute the practice of law.	01/14/2011
SB 5024	<b>Correctional inmate claims</b>	Concerns Keep position, consistent with 1037.	01/28/2011
		Concerns (1) Doesn't distinguish between civil and criminal; (2) Judges have no technical ability to check; (3) Conflicts with Rules of Professional Conduct (judges cannot have ex parte contact or investigate unless expressly authorized by law). Defendant should have this burden. Restricts certain legal claims by a person serving a criminal sentence in a state, local, or privately operated correctional facility. BJA review on 1-10-11 and took position of concern.	01/14/2011
SB 5025 (1034)	<b>Inmate public record request</b>	No Position BJA and DMCJA took NP on 1-18-11. Prohibits a court from awarding penalties in certain actions where the request for public records was made by or on behalf of a person serving a criminal sentence in a state, local, or privately operated correctional facility. BJA reviewed on 1-10-11 and will hold until 1-18-11 for further review by associations.	01/14/2011
<del>SB-5030</del>	<del><b>Civil judgments for assault</b></del>	No Position Authorizes deductions from certain inmates' funds and wages for payment of any civil judgment for assault for inmates who are subject to a civil judgment for assault in any state or federal court.	01/14/2011
2SSB 5034	<b>Private infrastructure</b>	No Position Continue to take NP on policy of bill, but have general objection to calendar prioritization in section 6 (3) and (5). Allows private utilities to provide infrastructure needed for economic development in a manner that minimizes development sprawl.	02/25/2011
SB 5034	<b>Private infrastructure</b>	No Position Object to calendar priority, but NP on policy sections. Allows private utilities to provide infrastructure needed for economic development in a manner that minimizes development sprawl. Provides for new condemnation proceedings, receivership petitions, eminent domain actions by municipal corporations and private entities, and civil actions for damages related to the operation of wastewater companies. Only been 3 proceedings filed in the last 18 years.	01/21/2011
SB 5042 (1104)	<b>Vulnerable adults</b>	No Position Expands the definitions of vulnerable adult and financial exploitation in chapter 74.34 RCW. Authorizes DSHS to share certain reports and findings with appropriate state or local agencies, law enforcement agencies, AG, tribes, etc. Authorizes DSHS adult protective services to enter agreements with tribes to investigate reports of abandonment, abuse, neglect, financial exploitation, or self neglect on property over which a tribe has jurisdiction.	01/14/2011

SB 5046 (1794)	<del>Assault/court-related empl.</del>	Support Support companion 5046. BJA request bill.	02/04/2011
		Support BJA request legislation. Remember the shoe throwing incident?	01/14/2011
SB 5052	<b>Court reporting licensing</b>	No Position	01/21/2011
SB 5053	<b>Persistent offenders</b>	No Position Authorizes community custody after 15 years for certain persistent offenders.	01/14/2011
SB 5054	<b>Public hazard proceedings</b>	No Position Regulates legal proceedings involving public hazards. Concerns, will pass along concerns via TP to sponsor.	01/21/2011
SSB 5056	<b>Bail and pretrial release</b>	Support Modifies bail and pretrial release practices. Addresses proof of financial responsibility; bail bond agents; and disclosure of certain health care information. Requires the state institute for public policy to develop and validate a pretrial risk assessment tool to measure the likelihood that a defendant will fail to appear in court as required. Requires the administrator for the courts to provide superior courts and courts of limited jurisdiction access to the risk assessment tool. Requires the center for court research to research, evaluate, monitor, and report on the validity of the risk assessment tool. Clarifies that public inspection of or access to information related to mental health is subject to chapter 71.05 RCW (mental illness) and not the public records act. Provides that certain sections of the act are null and void if appropriations are not approved. Per J. Wartnik, there are some significant changes - Refer to Committee.	02/25/2011
SB 5056	<b>Bail and pretrial release</b>	Watch J Warning will meet with Sen Kline about fiscal note and possibility of removing risk assessment from bill and work via budget proviso.	01/28/2011
SB 5058	<b>Receiverships</b>	No Position WSBA request bill. Modifies provisions relating to receiverships.	01/21/2011
SB 5060 (1145)	<b>Mail theft</b>	No Position Recognizes the seriousness of taking personal, medical, or financial identifying information and compromising the integrity of our mail system. Creates the crimes of theft of mail and possession of stolen mail.	01/14/2011
SB 5073 (1100)	<b>Medical use of cannabis</b>	No Position Intends to amend and clarify the law on the medical use of cannabis, including who are qualifying patients and changes various definitions.	01/14/2011

SB-5089 (1299)	<b>Pub records request disputes</b>	No Position Authorizes a requester and an agency, before filing any court action alleging a violation of the public records act, to confer in person or by telephone regarding any dispute.	01/21/2011
SSB 5097	<b>Juveniles w/dev disabilities</b>	Support (AS OF SENATE 2ND READING 3/02/11) Establishes a work group to address issues relating to juveniles with developmental disabilities who are confined in places of detention and juvenile correction institutions or facilities. Expires January 1, 2013. Per J. Wartnik, the striker simplifies the bill and provides for a work group expiration of 1/1/13 - Continue to Support.	04/15/2011
		Support Technical corrections - J. Wartnik rec continue to Support.	02/25/2011
SB 5097	<b>Juveniles w/dev disabilities</b>	Support Sharon Paradis assisted in drafting bill for Sen Delvin. SCJA exec agreed to support and WAJCA will testify in favor on 1-20.	01/21/2011
SB-5103	<b>Slayer statute</b>	No Position Includes persons acquitted by reason of insanity in the slayer statute.	01/21/2011
SB-5104	<b>"Guilty &amp; mentally ill" plea</b>	No Position Provides that a person who offers a timely defense of insanity under RCW 10.77.030 (establishing insanity as a defense) may be found guilty and mentally ill at trial under certain circumstances. Allows a person who waives the right to trial to plead guilty and mentally ill.	01/21/2011
SB-5114	<b>Competency procedures</b>	No Position Oppose section 1-a. Ask TP to share limited objection with Sen Hargrove. Streamlines competency evaluation and competency restoration procedures with regard to the criminally insane.	01/21/2011
SB-5139	<b>Wrongful conviction claim</b>	No Position Creates a claim for wrongful conviction and imprisonment.	01/21/2011
SB 5140 (1688)	<b>Criminal alien offenders</b>	No Position Oppose is position taken on 5140.	02/04/2011
		Watch Reviewed Judge Yu's analysis and will not take a position, but watch the bill to see if it is moving. At some point, we might consider limited comment, but not that this time.	01/28/2011
SB-5147	<b>Retirement age for judges</b>	No Position BJA has under review.	01/21/2011

SB 5154	<del>Vehicle prowling</del>	No Position Revises penalties for the crime of vehicle prowling in the second degree.	01/21/2011
SSB 5168	Gross misdemeanor sentences	----- (AS OF SENATE 2ND READING 2/24/11) Reduces the maximum sentence for a gross misdemeanor by one day. Per J. Wartnik, applies to Municipal and District Courts (Misdemeanors & Gross Misdemeanors) – Support.	03/18/2011
<del>SB 5190 (1073)</del>	<del>Disposition of remains</del>	No Position Addresses disposition of human remains when the decedent died while serving on active duty in any branch of the US armed forces.	01/21/2011
SSB 5202 (1842)	Sexually violent predators	----- Regarding sexually violent offenders. Per J. Wartnik, we Oppose but I suggest that we change to No Position as the striker seems to resolve the basis for our opposition.	03/25/2011
		----- (AS OF SENATE 2ND READING 3/01/11) Addresses sexually violent predators. Retains the high bar of reasonable doubt for a person's original commitment and eliminates the requirement for a unanimous jury verdict normally reserved for criminal trials. Per J. Wartnik, this is a bill that we Oppose. Ken Henrikson, a Seattle public defender has raised a number of significant issues that were not considered when we voted to Oppose. I have reviewed SB 5202 in light of Mr. Henrikson's concerns. Even If this bill has passes out of the House Committee on Public Safety & Corrections and has been voted on by the floor by Friday.	03/18/2011
		No Position Duty to not continue the hearing has been removed in substitute.	03/04/2011
SB 5202 (1842)	Sexually violent predators	Oppose TP will bring comments to sponsor. Opposition is based on sections that micromanage court process. Anne will articulate objections (J Middaugh has done analysis) and exec can authorize TP to bring to sponsor. Brings the civil commitment laws under chapter 71.09 RCW (sexually violent predators) further in line with other civil commitment laws, including the commitment of the mentally ill under chapter 71.05 RCW and the commitment of the criminally insane under chapter 10.77 RCW.	02/04/2011
		Oppose Anne will articulate objections (J Middaugh has done analysis) and exec can authorize TP to bring to sponsor. Brings the civil commitment laws under chapter 71.09 RCW (sexually violent predators) further in line with other civil commitment laws, including the commitment of the mentally ill under chapter 71.05 RCW and the commitment of the criminally insane under chapter 10.77 RCW.	01/21/2011
SB 5204	Juveniles/sex offenses	No Position Addresses juveniles adjudicated of a sex offense. Requires OSPI to publish on its web site a revised and updated model policy for schools to follow regarding students required to register as sex offenders or kidnapping offenders. Requires school districts to develop a written policy to ensure the health and safety of all staff and students in the school where students required to register as sex offenders or	01/21/2011

		kidnapping offenders are enrolled. Serious concerns about consequences of implementing. Ask TP to share concerns with Regala prior to hearing.	
SB 5236	<b>Persistent offenders</b>	No Position When the offender has served the mandatory minimum term in total confinement, the ISRB has authority to conditionally release the offender. The ISRB cannot release the offender unless in its opinion the offender has been rehabilitated. The offender may petition the ISRB for release any time after the minimum sentence has been served, and must prove by clear and convincing evidence that his or her rehabilitation is complete, and prove that he or she is fit for release. If the petition is denied, the offender must wait a minimum of one year from the date of denial to reapply for release. If conditional release is granted, the ISRB is required to retain jurisdiction for the remainder of the offender's life with the power to revoke if the offender violates any conditions. DOC is charged with monitoring for compliance.	01/21/2011
SB 5245 (1128)	<b>Extended foster care</b>	Support (AS OF HOUSE 2ND READING 3/02/11) Declares an intent to fully engage in the federal fostering connections act by providing support, including extended court supervision to foster youth pursuing a high school diploma or GED to age twenty-one with the goal of increasing support to all children up to age twenty-one who are eligible under the federal fostering connections to success act as resources become available. Per J. Wartnik, we Support the earlier version – Refer striker to the Committee.	04/01/2011
		Support Extended foster care. Per J. Wartnik, it has been gutted - change to No Position.	02/25/2011
		Support Extended foster care services. Foster youth who reach age of eighteen while still in foster care with continued foster care services to support basic and healthy transition into adulthood.	01/21/2011
SB 5275 (1362)	<b>Homeowner foreclosures</b>	No Position Establishes the foreclosure fairness act. Protects and assists homeowners from unnecessary foreclosures.	01/21/2011
SB 5279	<b>Recovery/industr. insurance</b>	No Position Revises the definition of recovery to include economic and noneconomic damages for purposes of legal actions under industrial insurance statutes.	01/21/2011
		No Position	01/21/2011
SB 5313	<b>Juvenile firearms crimes</b>	No Position	01/21/2011
SB 5317	<b>Shared parenting</b>	Oppose Shared Parenting	01/21/2011

<del>SB 5323</del>	<del>Retirement of judges</del>	Support Requires retirement once 75, at end of elected term. Is preferred over other retirement age bills. recommend wording change in section 3. at...no later than the expiration of...	01/21/2011
<del>SB 5351</del>	<del>Registered sex offenders</del>	No Position Prohibits certain registered sex offenders from entering school grounds. Requires the state patrol to notify registered sex offenders of the requirements of the act. District Court handles challenges to application of statute by school and Superior Court gets felony charge arising out of violation of the statute.	01/28/2011
<del>SSB 5368 (1291)</del>	<del>Collective bargaining</del>	No Position Modifies public employees' collective bargaining provisions relating to certain employees of the department of corrections and juvenile court services. Per J. Wartnik, no significant change - continue to watch.	02/25/2011
<del>SB 5368 (1291)</del>	<del>Collective bargaining</del>	Watch Modifies public employees' collective bargaining provisions relating to juvenile detention officers and DOC corrections.	01/28/2011
<del>SB 5384</del>	<del>Failing to wear safety belt</del>	No Position Modifies civil action admissibility provisions with regard to failing to wear safety belt assemblies and failing to use child restraint systems. Makes failure to use these devices admissible on negligence issue.	01/28/2011
<del>SB 5418</del>	<del>Use of force in self-defense</del>	No Position Addresses justifiable homicide with regard to a slayer having a reasonable fear of imminent peril of death or great bodily harm in a dwelling, residence, other place of abode, or occupied vehicle.	01/28/2011
<del>SSB 5423 (1862)</del>	<del>Legal financial obligations</del>	Support Legal financial obligations. J. Wartnik rec continue to Support.	02/25/2011
<del>SB 5423 (1862)</del>	<del>Legal financial obligations</del>	Support Increases judicial discretion but want to amend final section (3) to remove adjudicated delinquents. companion 5423 - took NP. Creates a mechanism for courts to eliminate interest accrued on nonrestitution debt during incarceration and improves incentives for payment of LFO in order to foster reintegration and reduce recidivism.	02/11/2011
		No Position Creates a mechanism for courts to eliminate interest accrued on nonrestitution debt during incarceration and improves incentives for payment of LFO to encourage reintegration and reduce recidivism. Permits waiver of interest for non-restitution financial obligation, and for restitution if the principal has been paid in full.	01/28/2011
<del>SB 5456 (1921)</del>	<del>Death penalty elimination</del>	No Position Reduces criminal justice expenses by eliminating the death penalty in favor of life incarceration.	01/28/2011

SB 5458	<b>Medicaid fraud</b>	No Position Authorizes private parties to bring suit qui tam on behalf of a government entity for civil penalties. Establishes the medicaid fraud false claims act. Creates the medicaid fraud penalty account.	01/28/2011
SB 5460	<b>Wrongly imprisoned persons</b>	No Position Provides a cause of action and formula for determining damages. Provides a claims process for persons who have been wrongly convicted and imprisoned.	01/28/2011
SSB 5531	<b>Commitments/judicial costs</b>	No Position Civil commitment/reimbursement of judicial costs. Per J. Wartnik: Clarifies and simplifies the process - Continue to Support.	04/15/2011
		No Position Judicial costs of commitments for involuntary mental health treatment. There are still some outstanding questions and J Prochnau will contact staff and get some clarification.	04/08/2011
		Watch It is hard to tell where the funding would be taken from. Judge W will talk to to Brian Enslow from the Assoc of Counties to see what their position is.	03/04/2011
SB 5531	<b>Commitments/judicial costs</b>	Support Authorizes a county to apply to DSHS for reimbursement of judicial services costs associated with commitments for involuntary MH treatment.	02/04/2011
SB 5533 (1276)	<b>Legal financial obligations</b>	Oppose J van D talked to Kevin Stock to clarify how Becca was proviso'd in previous years via budget bill, not via policy bill. Ask J Godfrey and TP to talk to sponsors to notify them of SCJA opposition. Clerk's LFO bill, protecting LFO money from being reduced in AOC budget. BJA opposes.	02/04/2011
SSB 5536 (1610)	<b>Water resources management</b>	No Position Regarding the management of water resources.	02/25/2011
SB 5536 (1610)	<b>Water resources management</b>	----- Promotes active water management that protects and restores sustainable water supplies for our communities, farms, and ecosystems. Promotes water supply assessments as a foundational and science-based extension of current watershed planning and implementation efforts to project future water supply needs and availability. Reforms current statutory provisions to promote administrative efficiencies and active water management. Directs the department of ecology to recommend ways to make the state's water resource management program financially self-sufficient. Eliminates the water rights tracking system account.	02/18/2011
SB 5546	<b>Human trafficking</b>	No Position Modifies provisions relating to the crime of human trafficking.	02/04/2011

SB 5552 (1591)	<b>Protection orders/workplace</b>	No Position Companion to 1591 - took NP.	02/04/2011
SSB 5579 (1626)	<b>Harassment</b>	Support Modifies harassment provisions. Waiting for concurrence. Per TP, will go to gov in May.	04/15/2011
		----- (AS OF HOUSE 2ND READING 3/01/11) Addresses harassment provisions relating to: (1) The district courts' original jurisdiction; (2) Municipal courts and district courts transferring certain actions and proceedings to superior court; (3) Exemption from protection orders; and (4) Determination of criminal history or pendency of other proceedings involving the parties. Per J. Wartnik, this bill is one we Support but there is a subsequent striker amendment that is not online yet – I have placed it on the agenda in case the striker becomes available by our meeting time.	03/25/2011
		Support Addresses harassment provisions relating to: (1) The district courts' original jurisdiction; (2) Municipal courts and district courts transferring certain actions and proceedings to superior court; (3) Exemption from protection orders; and (4) Determination of criminal history or pendency of other proceedings involving the parties. J. Wartnik rec continue to Support.	02/25/2011
SB 5579 (1626)	<b>Harassment</b>	Support Cont to testify in support, despite fiscal note. Per J. Wartnik, we took a Support position as to 1626 but wanted to delete the non-indigency fee waive which cannot be accomplished – Recommend Support of the bill with the waiver included. 2 mil FN	02/11/2011
SSB 5580	<b>Juvenile disposition orders</b>	Support statute requires all restitution to be paid before fines and fees, which creates a practical issue with the language in the bill. Per TP, let bill pass out of senate and work amendment in the House. TM and MM will work with J Halpert on a correction.	02/25/2011
SB 5580	<b>Juvenile disposition orders</b>	Support Relates to Deferred Dispositions for juveniles and allows jurisdiction to be vacated even if restitution is not paid in full.	02/04/2011
SB 5597	<b>Terminating parental rights</b>	Oppose RAP are the proper avenue to handle issues related to termination. Automatically stays term of rights order (30 days). If a notice of appeal is filed during the 30 day period, the automatic stay shall continue until the appeal is complete or the stay is lifted by the reviewing court. If a notice of appeal is not filed within the thirty-day period, the automatic stay shall expire.	02/04/2011
ESSB 5656 (1895)	<b>Indian child welfare act</b>	No Position Creating a state Indian child welfare act.	04/01/2011
		No Position (AS OF SENATE 2ND READING 3/05/11) Establishes the Washington state Indian child welfare act. Finds that the state is committed to protecting the essential tribal	03/11/2011

		relations and best interests of Indian children by promoting practices designed to prevent out-of-home placement of Indian children. Declares that the Department of Social and Health Services' policy manual on Indian child welfare, the tribal-state agreement, and relevant local agreements between individual federally-recognized tribes and the Department should serve as persuasive guides in the interpretation and implementation of the federal Indian Child Welfare Act, this act, and other relevant state laws. Per J. Wartnik, see Steve Hassett's (Senior Counsel for the AG) email attached to Judge Warning's email of 3/7).	
SB 5656 (1895)	<b>Indian child welfare act</b>	-----	02/18/2011
		Oppose J Warning will check in with sponsors about reason for bill. Offer analysis back to sponsors. AG opposes and Com. Ressa has good analysis. Will review again next week. Establishes the Washington state Indian child welfare act. Finds that the state is committed to protecting the essential tribal relations and best interests of Indian children by promoting practices designed to prevent voluntary or involuntary out-of-home placement. Declares that DSHS policy manual on Indian child welfare, the tribal-state agreement, and relevant local agreements between individual federally recognized tribes and the department should serve as persuasive guides in the interpretation and implementation of the federal ICWA, this act, and other relevant state laws.	02/11/2011
SB 5672- (1360)	<b>Health care liability reform</b>	No Position Provides for health care liability reform by addressing joint and several liability, noneconomic damages, statute of limitations, attorneys' fees upon summary judgment dismissal, promoting periodic payments of future damages, and encouraging early settlement offers. Requires DOH, in consultation with the department of revenue, to develop a program to provide business and occupation tax credits for physicians who serve uninsured, medicare, and medicaid patients in a private practice or a reduced fee access program for the uninsured.	02/11/2011
SB 5685-	<b>Public records violations</b>	No Position NP but have concern about conference requirement. TP pass on concern to Brian Enslow, lobbyist from cities and counties. The court has discretion to make a monetary award to the person who prevails. The Legislature requests that the court use the multifactor analysis in Yousoufian v. Office of Ron Sims, 168 Wn.2d 444 (2010) in considering a monetary award to a person who was denied the right to inspect or copy a public record.	02/11/2011
SB 5690- (1879)	<b>Reinstating parental rights</b>	No Position A child may petition the juvenile court to reinstate the previously terminated parental rights of his or her parent if the following requirements are met: the child was previously found to be a dependent child; the child's parent's rights were terminated; the child has not achieved his or her permanency plan within 3 years of a final order of termination or the permanency plan was achieved within 3 years of the final termination order but was not sustained after the child turned 12 years of age and the child was returned to foster care; and the child must be at least 12 years old at the time the petition is filed.	02/11/2011

SB 5692 (1774)	<b>Adopted siblings/relatives</b>	No Position companion 1774 - Recognizes adopted siblings, half siblings, and adoptive parents of any sibling or half sibling for purposes of chapter 74.15 RCW (care of children, expectant mothers, and developmentally disabled).	02/11/2011
SB 5706 (1775)	<b>Juvenile restorative justice</b>	Support While we cont to support bill, the Senate striker removed application of VOM to diversion programs which is what the WAJCA had included in the bill. Makes the bill not have relevance. Ask TP or TM to go back to Hargrove who took diversion out and point out why it makes the bill less relevant.	04/15/2011
		Support Juvenile Restorative Justice programs - amendment proposed by WAJCA was adopted and included in substitute. WAJCA will watch and ensure amendment is in companion bill.	03/04/2011
		Support Now has companion 5706. Support with corrective language.	02/11/2011
SB 5718	<b>Estates and trusts</b>	No Position brings WA law in line with federal tax law of 2010 extending federal estate tax relief retroactively to 2009.	02/11/2011
SSB 5722	<b>Local option sales tx moneys</b>	----- Concerning the use of moneys collected from the local option sales tax to support chemical dependency or mental health treatment programs and therapeutic courts. Per J. Wartnik, there is no significant change - Continue to Support.	04/15/2011
		----- (AS OF SENATE 2ND READING 2/28/11) Authorizes certain moneys, collected from the local option sales tax to support chemical dependency or mental health treatment programs and therapeutic courts, to be used to supplant existing funding. Per J. Wartnik, local option sales tax use to support chemical dependency and mental health tx programs and therapeutic courts – Continue to Support as the striker appears to be a housekeeping effort.	03/25/2011
		Support Concerning the use of moneys collected from local option sales tax to support chemical dependency or mental treatment programs and therapeutic courts – J. Wartnik rec continue to Support.	02/25/2011
SB 5722	<b>Local option sales tx moneys</b>	Support Note from J McCarthy - Authorizes a schedule of revenue collection at 1/10 of 1 %, like MIDD funding for King County. My initial reaction is that we need to support this legislation that provides a stable source of funding for all our counties that have therapeutic courts. We will need to obtain the input of the many counties that are affected.	02/11/2011
ESSB 5740	<b>Predatory guardianships</b>	No Position Preventing predatory guardianships of incapacitated adults. Per J. Wartnik, the current position is to Support – Refer the striker to the Committee.	04/01/2011

		----- Preventing predatory guardianships of incapacitated adults.	03/25/2011
		-----	03/18/2011
SB 5740	<b>Predatory guardianships</b>	Oppose Requires additional information before appointment of a guardian or limited guardian of an incapacitated adult. Revises provisions relating to modifications or terminations of guardianships. Requires a court to provide family members of incapacitated adults, filing a petition for appointment of a guardian or limited guardian, with information regarding professional and lay guardians. Requires a guardian ad litem to disclose in writing to the court any prior or existing relationship, or other circumstance that would cause the appearance of a conflict of interest in the guardian ad litem's recommendation when the guardian ad litem is making a recommendation of appointment of a particular person or persons as a guardian to a court. Requires AOC to publish information regarding professional and lay guardians on its web site. Requires a long-term care ombudsman to publish on a web site, or otherwise make available to residents, families of residents, and the public, information regarding professional and lay guardians.	02/11/2011
<del>SB 5752</del>	<del><b>Correction of defamation</b></del>	No Position includes definition, scope, and request for correction or clarification of defamation act.	02/11/2011
SSB 5790	<b>Crime-related boards</b>	No Position Indeterminate sentence review board transferred to DOC and Governor or Legislature can reinstate SGC - Refer to Committee.	02/25/2011
SB 5790	<b>Crime-related boards</b>	No Position We take No Position except WSCCR should get oversight of sentences imposed by individual judges. Eliminates the sentencing guidelines commission. Directs the office of crime victims advocacy to establish, staff, and maintain a sex offender policy board to: (1) Undertake projects to assist policymakers in making informed judgments about issues relating to sex offender policy; (2) Conduct case reviews of sex offense incidents to understand performance of the state's sex offender prevention and response systems; and (3) Review specific issues related to sex offender management in the state. Per J. Wartnik, this bill covers a number of different issues than first reported that impact the court including the repeal of the SGC, the Juvenile Dispositions standards commission and sex offender policy boards; it also provides for OFM oversight of the sentences imposed by individual judges.	02/18/2011
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SB 5793	<b>Civil marriage equality</b>	No Position Ends discrimination in marriage based on gender and sexual orientation in Washington.	02/18/2011
SB 5799	<b>Criminal street gangs</b>	No Position We take No Position with Concerns regarding court priority and discretion regarding issuance of ex parte orders. Provides the criminal justice community and local communities with the effective tools they need to better protect the citizens from gang-related crime. Creates the gang violence prevention and intervention grant program account. Per J. Wartnik, this bill should be reviewed by both the criminal and civil committees. It provides for bifurcated trials in some cases where the crime is alleged to be gang-related and gives priority hearing status to certain proceedings – Fiscal issues. This bill also prohibits deferred dispositions for gang-related firearm offenses, provides for up to 100 hours of community service, and provides for grants to carry out local programs focused on gang prevention and intervention.	02/18/2011
		No Position We take No Position with Concerns regarding court priority and discretion regarding issuance of ex parte orders. Provides the criminal justice community and local communities with the effective tools they need to better protect the citizens from gang-related crime. Creates the gang violence prevention and intervention grant program account. Per J. Wartnik, this bill should be reviewed by both the criminal and civil committees. It provides for bifurcated trials in some cases where the crime is alleged to be gang-related and gives priority hearing status to certain proceedings – Fiscal issues. This bill also prohibits deferred dispositions for gang-related firearm offenses, provides for up to 100 hours of community service, and provides for grants to carry out local programs focused on gang prevention and intervention.	02/18/2011
SB 5813 (1983)	<b>Prostitution crime fees</b>	----- Increasing fee assessments for prostitution crimes.	02/18/2011
		No Position Increasing fee assessments for prostitution crimes.	02/18/2011

SB-5819	<b>Guardian duties</b>	No Position We take a No Position with Concerns. It establishes duties that the guardian must undertake for incapacitated wards and report on in the guardian's reports and accountings to the court.	02/18/2011
SB-5823	<b>Court income</b>	Support Disposition and collection of court income. J. Wartnik rec Support (this is a BJA requested bill).	02/18/2011
SB-5826	<b>Prospective tenants</b>	Watch Requires prospective landlords to notify prospective tenants in writing of certain information before obtaining a tenant screening report about the prospective tenant. Authorizes the landlord to charge a prospective tenant a maximum of ten dollars for using the screening service. Per J. Wartnik, Section 4 is very troublesome and violates current rules regarding the sealing of court files and records – recommends either No Position with Serious Concerns or Oppose.	02/25/2011
SB-5855	<b>Jury service qualifications</b>	Oppose Requires a court to create and maintain a list of names of certain prospective jurors who have been disqualified. Per J. Wartnik, it requires the courts to keep a list of disqualified persons and to report - Oppose due to fiscal concerns.	02/25/2011
SB 5860	<b>State employee compensation</b>	No Position Per J. Wartnik, this bill calls for a 3% salary reduction for state employee (excludes judges but includes judicial employees and provides for voluntary reductions in the salaries of judges and other state elected officials as well as alternatives to a straight reduction for employees that violate collective bargaining agreements) – Refer to Committee and to BJA.	03/04/2011
SB-5866	<b>Reducing prison sentences</b>	Concerns Support section 3. Authorizes certain offenders to be credited with a reduction in his or her release date. Per J. Wartnik, provides for a graduated early release based on risk classification plus an additional early release within ten days before the early release date – Oppose on truth in sentencing grounds.	03/11/2011
SSB-5875	<b>Offender supervision</b>	----- Addressing the terms of supervision for offenders sentenced to a first time offender waiver. Still feel that at least 18 months of supervision is necessary if offender is ordered into treatment. Six months is fine if no treatment ordered. Will request option for early vacate. J Warning and TP to follow up with S Hargrove.	04/08/2011
SB-5875	<b>Offender supervision</b>	----- Decreases the term of community custody for certain offenders. Requires the department of corrections to recalculate the term of community custody for certain offenders. Per J. Wartnik, Reduces community custody from one year to six months and period of treatment from two to one year – Oppose.	03/18/2011
SB-5880 (1399)	<b>Legal financial obligations</b>	----- Addresses collections on legal financial obligations. J. Wartnik rec No Position – Adds	03/25/2011

		consideration of victim's needs in providing restitution and support to RCW 9.94A.010 accountability list and permits the department and county clerk to enter into agreements regarding the county clerk making recommendations to the court for adjustment of monthly restitution payments.	
SB 5941	<b>Judicial branch funding</b>	Support Extends the surcharge on filing fees, splits it between county and the state 50-50, provides that counties must use their share for trial courts. J. Wartnik rec Support.	04/15/2011
<del>SJR 8200</del>	<del>Retirement of judges</del>	No Position BJA has under review. Prefer 5323.	01/21/2011
<del>SSJR 8202</del>	<del>Public officials' salaries</del>	No Position Per J. Wartnik, removes judges from being subject to the amendment	03/04/2011
<del>SJR 8202</del>	<del>Public officials' salaries</del>	Watch BJA took position to watch and will take lead on drafting a response that articulates concerns, similar to what is provided to salary commission. Constitutional amendment, provides that if the compensation of any state employee who does not hold an elected, appointed, or judicial position, is reduced by the legislature as part of budget reduction legislation, the compensation of all elective and appointive state officers... including judges of courts of record and the... immediately following the enactment of any such legislation, be decreased by the percentage or in the same manner specified in such legislation.	01/21/2011
<del>SJR 8203</del>	<del>Public officials' salaries</del>	Watch BJA took position to watch and will take lead on drafting a response that articulates concerns, similar to what is provided to salary commission.	01/21/2011
<del>SJR 8204 (4203)</del>	<del>Retirement age for judges</del>	No Position BJA will keep under review. Prefer 5323.	01/21/2011
<del>SJR 8214 (4219)</del>	<del>State's pension obligations</del>	No Position Proposes an amendment to the state Constitution to ensure that retirement benefits provided under certain state pension plans be funded, to the maximum extent possible, over the working lives of plan members so that employer costs are paid by the taxpayers who receive the benefit of those members' service.	02/11/2011