



WASHINGTON  
COURTS

# **SCJA LEGISLATIVE COMMITTEE**

*Friday, February 24, 2012*

**From:** Anthony Wartnik [TheAdjudicator@comcast.net]  
**Sent:** Sunday, February 19, 2012 11:42 AM  
**To:** SCJALEGISLATIVE@LISTSERV.COURTS.WA.GOV; McDougall, Regina; Odegaard, Paula; Clark, Colleen; tparker011@comcast.net; Skreen, Janet; Watson, Anne  
**Subject:** This week's executive sessions and public hearings

Executive Sessions

SSB 6025 – Eliminating mandatory retirement provision for district court judges – We Support  
2/20 @ 1:30 PM in House Judiciary  
SSB 6403 – Removing financial barriers to person seeking vulnerable adult protection – We take  
No Position  
2/20 @ 1:30 PM in House Judiciary  
SSB 6492 – Timeliness, efficiency and accountability of forensic resource utilization associated  
with competency to stand trial – We Support  
2/20 @ 1:30 PM in House Judiciary  
SSB 6494 – Improving truancy procedures – We Support  
2/20 @ 1:30 PM in House Judiciary

Public Hearings

2SHB 2216 – Increasing penalties for vehicular homicide and vehicular assault – We take No  
Position  
2/21 @ 10:00 AM in Senate Judiciary  
ESSHB 2264 – Performance based contracting related to child welfare services – We take No  
Position  
2/23 @ 10:00 AM in Senate HSC  
2SHB 2289 – Flexible approached to child protective services – We Support  
2/21 @ 1:30 PM in Senate HSC  
ESHB 2331 – Mandatory reporting of child abuse and child neglect – We take No Position  
2/21 @ 1:30 PM in Senate HSC  
HB 2405 – Ordering offenders convicted of vehicular homicide and vehicular assault due to  
drugs or alcohol to pay child support for children of victims – We take No Position  
2/22 @ 1:30 PM in Senate Judiciary  
2SHB 2536 – Evidence based practices for delivery of services to children and juveniles – This is  
on our Watch List with Concerns  
2/21 @ 1:30 PM in Senate HSC  
SHB 2657 – Affecting adoption service expenditures – We take No Position  
2/21 @ 1:30 PM in Senate HSC  
SHB 2668 – Bail practices – We Support  
2/22 @ 1:30 PM in Senate Judiciary  
ESSB 6009 – Ethics in Public Service – Follow BJA  
2/20 @ 1:30 PM in House State Government & Tribal Affairs  
SSB 6240 - Orders of disposition for juveniles – We Support  
2/20 @ 6:00 PM in House Early Learning & Human Services  
E2SSB 6284 – Approach to non-safety civil traffic infractions – We take No Position and follow  
DMCJA  
2/24 @ 1:30 PM in House Transportation  
ESSB 6555 – Family assessments in cases involving child abuse and child neglect – We take No  
Position  
2/20 @ 6:00 PM in House Early Learning & Human Services

Tony

# **Family and Juvenile Law Committee**

**SUPERIOR COURT JUDGES' ASSOCIATION**

Legislative Committee  
 Agenda/New Bills  
 February 24, 2012

Bill No/Sponsor	Title/Hearing	Position/Comments	Wartnik Rec	Position Taken
<b>Family &amp; Juvenile Law</b>				
<b>New Bills</b>				
SB 6604 (Roach)	<b>Guardians ad litem</b>	This new bill removes judicial discretion to not appoint a guardian ad litem where the court finds it is unnecessary for good cause. It also requires that the guardian ad litem file a statement of financial affairs which does not seem to be relevant to the duties of a guardian ad litem. It also requires onerous duties on the part of each GAL program for compensated GALs regarding making and keeping a multifaceted set of records on each GAL without regard for potential fiscal impact – Oppose even though it is too late for this bill to go anywhere in this session.	Oppose	

# **Criminal Law and Rules Committee**

**SUPERIOR COURT JUDGES' ASSOCIATION**  
**Legislative Committee**  
**Agenda/New Bills**  
**February 24, 2012**

Bill No/Sponsor	Title/Hearing	Position/Comments	Wartnik Rec	Position Taken
<b>Criminal</b>				
<b>New Bills</b>				
E2SSB 6204 WM (Hargrove)	<b>Community supervision</b> Public Safety & Emergency Preparedness 02/21/12 at 10:00 AM/Executive Public Safety & Emergency Preparedness 02/21/12 at 10:00 AM/Public Ways & Means 02/07/12 at 1:30 PM/Executive Ways & Means 02/06/12 at 1:30 PM/Public Human Services & Corrections 02/02/12 at 6:00 PM/Executive Human Services & Corrections 01/17/12 at 1:30 PM/Public	The major impact will be with DOC and not the court. No Position recommendation.	No Position	

# **POSITIONS TAKEN REPORT**

**SUPERIOR COURT JUDGES' ASSOCIATION**

**POSITIONS TAKEN As of  
02/17/2012**

<b>Bill</b>	<b>Bill Title</b>	<b>Position/Comments</b>	<b>Date</b>
z 0831.2	<b>Enacting the stalking protection order act</b>	-----	01/13/2012
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. Note from Janet S: compared the original bill to the engrossed bill and see 2 changes: adding the alternative of at least one overnight away from home to the military parent's duties that would prompt the delegation of residential time to another person; and providing that if a parent is in the par plan modification process, s/he may request that residential time be awarded to someone else if military duties arise. I don't see that the engrossed bill would alter NP.	01/20/2012
2SHB 1289	<b>Juvenile court jurisdiction</b>	Support Cont support, but will send reminder to contact judges to reach out to House members and encourage support.	02/03/2012
		Support J Warning will testify in support on 1-19 but will look for updated FN prior to work session. Modifies provisions relating to juvenile court exclusive original jurisdiction and hearings on question of declining jurisdiction. Supported bill last year regarding elimination of auto decline. Sponsor is asking for judge to testify at work session on 1-19 at 8 AM.	01/13/2012
SHB 1775 (5706)	<b>Juvenile restorative justice</b>	Support Juvenile restorative justice (RJ)Supported last year and should continue to Support. WAJCA comment that courts can already order RJ programs in diversion cases and is not relevant to counsel and release. The WAJCA made that clear last year and bill not amended. Regardless, WAJCA will cont to support. See definition #26 at page 6.	02/03/2012
HB 2131 (5987)	<b>Involuntary treatment act</b>	-----	12/30/2011
HB 2132	<b>Sexually violent predators</b>	No Position Suspends DSHS requirement to conduct annual examination of mental condition of sexually violent predators convicted of a criminal offense or awaiting trial.	01/13/2012
		No Position Suspends DSHS requirement to conduct annual examinations of the mental condition of certain persons.	01/13/2012

		-----	12/30/2011
HB 2133	<b>Sexually violent predators</b>	Oppose Not to TP: opposed as unfunded mandate, interferes with judicial process, conflict of interest and separation of powers. Alert Assoc of Counties of local cost potential. Judge van D will meet with sponsor to articulate opposition. Limits DSHS costs responsible for SVP civil commitment proceedings. Provides that counties are responsible for any other costs related to prosecution and defense of SVP civil commitment proceedings.	01/13/2012
		Oppose Pass message to TP: oppose as unfunded mandate, interferes w/ judicial process, conflict of interest, and separation of powers. Alert Assoc of Counties of local cost impact. J van D will try to meet with sponsor. Limits DSHS costs SVP civil commitment proceedings. Provides that counties are responsible for any other costs related to prosecution and defense of SVP civil commitment proceedings.	01/13/2012
		-----	12/30/2011
HB 2143	<b>Community supervision</b>	-----	12/30/2011
HB 2144	<b>Offender release</b>	No Position While SCJA takes NP, request sunset of 3 years. Allows DOC to reduce sentences for low and moderate risk offenders by up to 150 days after all. Earned early release time is calculated per section 2. It is retroactive. It is not applicable to offenders serving life without parole or to .507 offenders. If the offender has a mandatory minimum the 150 day reduction can not reduce the sentence below the mandatory minimum. If passed it would take effect May 1st.	01/13/2012
		-----	12/30/2011
HB 2148	<b>Sexually violent predators</b>	-----	12/30/2011
		-----	12/30/2011
HB 2175	<b>Penalties for marihuana</b>	No Position Addresses penalties for marihuana or a cannabis type substance.	01/13/2012
HB 2176	<b>Impaired drivers/judgments</b>	No Position Extends the time to enforce civil judgments for damages caused by impaired drivers. A civil judgment for damages for death or personal injury caused by operation of a motor vehicle while under the influence of alcohol/drug may petition the court for an order granting an extension to execute, garnish, and have legal process issued upon the judgment. The order granting an extension shall not specify an expiration date and shall specify that the judgment is extended until the judgment is satisfied.	01/13/2012

		DMCJA has been incontact with Sponsor. They have concerns but take NP. Will let Reg know if they change position.	
HB 2177	<b>Child sexual exploitation</b>	No Position Addresses possession and viewing of evidence by certain parties in cases involving sexual exploitation of children.	01/13/2012
HB 2193	<b>Third-party visitation</b>	No Position Modifies provisions relating to visitation of a child by a person who is not a parent of the child. A person who is not the parent may petition for visitation if the person has established an ongoing and substantial relationship with the child.	01/13/2012
HB 2195	<b>Depositions &amp; discovery act</b>	No Position NP but concerns. 1) the person seeking teh out of state subpoena must file an affadavit that they met requirement of statute, 2) the subpoena ordered by a judicial officer (practice of law concern having clerk issue), and 3) ?? Referred for committee review on 1/13.	01/20/2012
SHB 2196	<b>Collaborative law act</b>	Oppose 2 new provisions in sub bill, still oppose for reasons stated. TP will work with lobbyist for Bar to support their opposition. TP will also notify sponsor and Rep Pedersen about position to oppose. Adopts uniform collaborative law act - collaborative participant agreement, authority of tribunal during collaborative law process, concluding a collaborative law process, responsibilities of collaborative lawyers, disqualification of collaborative lawyers, confidentiality and privileges of communications, and standards of professional responsibility.	01/20/2012
		Oppose 2 new provisions in sub bill, still oppose for reasons stated. TP will work with lobbyist for Bar to support their opposition. TP will also notify sponsor and Rep Pedersen about position to oppose. Adopts uniform collaborative law act - collaborative participant agreement, authority of tribunal during collaborative law process, concluding a collaborative law process, responsibilities of collaborative lawyers, disqualification of collaborative lawyers, confidentiality and privileges of communications, and standards of professional responsibility.	01/20/2012
HB 2196	<b>Collaborative law act</b>	Oppose Oppose based on sep of powers. The bill overrides the rules of professional conduct and should be considered for a court rule, not statute. There are various alternative dispute resolution processes, such as mediation and collaborative law, allowing parties to resolve all or part of a dispute outside of court. Collaborative law is currently more commonly used in family law cases, but may be used to reach settlement in a variety of disputes. In collaborative law, the parties voluntarily participate and sign a collaborative participation agreement describing the scope of the matter to be resolved. One significant difference between collaborative law and mediation is that parties in collaborative law must be represented by attorneys throughout the process. There are no state-wide court rules regulating collaborative law. Some local court rules require the parties in a family law action to notify the court if they enter into a collaborative law participation agreement.	01/13/2012

	<b>Uniform commercial code</b>	No Position Adopts revisions to Uniform Commercial Code Article 1, governing general provisions, and Article 7, governing documents of title.	01/13/2012
HB 2211 (6233)	<b>Adoptee information access</b>	No Position NP with concerns. Will send list of concerns to TP to deliver to sponsor. Modifies provisions relating to access to information, including original birth certificates, by adoptees.	01/13/2012
<del>HB 2216 (6052)</del>	<del><b>Vehicular homicide &amp; assault</b></del>	No Position Increases the penalties for vehicular homicide and vehicular assault.	01/13/2012
<del>HB 2221</del>	<del><b>Wrongful conviction</b></del>	No Position Creates a claim for wrongful conviction and imprisonment. Take NP but J Prochnau has suggestions for TP to take to sponsor.	01/13/2012
<del>HB 2246</del>	<del><b>Medicaid fraud</b></del>	No Position Establishes the medicaid fraud false claims act to provide the state with another tool to combat medicaid fraud. Establishes the crime of medicaid theft as a class B felony. Creates the medicaid fraud penalty account.	01/13/2012
<del>HB 2264</del>	<del><b>Child welfare/contracting</b></del>	No Position Modifies the current system of contracting for services needed by children and families in the child welfare system by creating a flexible, accountable community-based system of care. Requires DSHS and provider networks, to achieve certain goals.	01/13/2012
<del>SHB 2279</del>	<del><b>Child support</b></del>	Watch The amendment removed the fiscal concern related to additional hearings. The fathers' groups are upset and want back in. Bill referred to W&M. Will assign someone or group from FJLC to follow up on Indiana (with Judge, statistics and statute) to be better prepared.	02/03/2012
HB 2279	<b>Child support</b>	Support/Oppose Hearing scheduled for next week. Will send letter with TP to sponsor and committee members. Will also activate the judges contact list for members of the committee to send email message prior to hearing.	01/27/2012
		Support/Oppose The FJLC summary was forwarded to TP to pass on to sponsor. J van D will testify at hearing on 1/19. Implements changes to child support based on child support schedule work group - Reduces calculated child support amounts; provides presumptive minimum support obligation is based on one person family federal poverty guideline; eliminates residential schedule provision and existing provision for children of other relationships; adds new provision for support adjustment when obligor has children not before the court, and for shared residential schedule adjustment, and adds provisions for calculating postsecondary educational support.	01/13/2012

		Watch On watch status. Large fiscal impact reflected in FN. Eliminates the Growth Management Hearings Board. Requires superior courts to review and hear petitions arising under the Growth Management Act and certain provisions of the Shoreline Management Act. This bill would have a very large workload impact for almost all Superior Court. See letter from 2003.	02/17/2012
		Watch Update TP on position to watch. Large fiscal impact reflected in FN. Eliminates the Growth Management Hearings Board. Requires superior courts to review and hear petitions arising under the Growth Management Act and certain provisions of the Shoreline Management Act. This bill would have a very large workload impact for almost all Superior Courts (see FN by Gil Austin).	02/03/2012
HB-2284	<b>Civil liability of parents</b>	No Position Civil liability of parents and legal guardians concerning theft of goods by child. Modifies provision for liability of parent/guardian up to \$650 civil penalty or 25 times value, whichever is less.	01/13/2012
2SHB-2289	<b>Child protective services</b>	Support Continue to Support	02/17/2012
HB-2289	<b>Child protective services</b>	Support Implements a flexible response system within CPS, including a family assessment response, to better serve families where alleged maltreatment does not present a serious or imminent threat of substantial harm to children. Authorizes an initial implementation phase to test the effectiveness of a family assessment model, leading to statewide implementation of a family assessment response within CPS. Requires DSHS to: (1) Select at least two sites to begin the process of implementing family assessment response for CPS statewide; and (2) Develop an implementation plan in consultation with stakeholders, including tribes. Requires WSIPP to conduct a rigorous evaluation of each implementation site in consultation with DSHS and other members of the child welfare research community.	01/13/2012
SHB-2298- (6333)	<b>Restraints, use on juveniles</b>	Oppose Even though the restriction to use restraints during transport is removed, there are still objections related to sep of powers. There are practical issues of putting on and taking off restraints. Still a big FN on record. Will ask TP about reaching out to victim groups with concerns about safety of victims, etc.	02/03/2012
HB 2298 (6333)	<b>Restraints, use on juveniles</b>	Oppose Will testify in opposition at hearing on Monday at 6 pm and will look for new FN, which is expected to be high. Oppose various assumptions listed in intent section and based on separation of powers and fiscal impact to increase security. WAJCA has met with proponents, but no amendment. Prohibits use of restraints unless court finds it necessary in the courtroom and unless the transportation officer finds it necessary to and from courtroom. Will alert Assoc of Counties about local impact.	01/20/2012
		Oppose Oppose various assumptions listed in intent section. Oppose based on separation of	01/13/2012

		powers and fiscal impact to increase security. AOC is gathering information for FN. WAJCA has met with proponents, but no amendment. Use of restraints (shackling) on juveniles – Prohibits use of restraints unless court finds it necessary in the courtroom and unless the transportation officer finds it necessary to and from courtroom; when approved, least restrictive form of restraint must be used.	
HB 2300	<b>District judge retirement</b>	Support Modifying mandatory retirement provision for district court judges – extends judicial service until the end of the elective term following obtaining age 75. Is a DMCJA proposed bill.	01/13/2012
HB 2323	<b>Young adults/sale of sex</b>	No Position	01/13/2012
		No Position Protects young adults involved in commercial sale of sex. Assesses a fee or penalty against anyone found guilty of involving a youth or young adult in commercial sale of sex and requires a special finding by the trier of fact. Fee/penalty can be suspended upon court finding of inability to pay, 50% of fee goes to law enforcement and 50% to State Treasurer for prostitution prevention and intervention. Fiscal impact and rec refer to crim committee	01/13/2012
HB 2325	<b>Domestic violence evidence</b>	No Position After 4 years of no fault, this bill brings fault back in and does not instruct court on how finding of DV will impact maintenance. A civil remedy already exists. Requires court, when determining whether and to what extent maintenance is just, to consider documented evidence of DV between the parties. It does not limit consideration to the impact of the DV on ability to work/earn.	01/13/2012
HB 2331	<b>Child abuse reporting</b>	No Position Makes every adult a mandatory reporter. Bill is overly broad and minimizes mandatory reporter statute. There is a good definition of abuse and neglect.	01/13/2012
HB 2354 (6143)	<b>Stolen property trafficking</b>	No Position Trafficking in stolen property – Extends Statute of Limitations to 6 years	01/13/2012
HB 2357	<b>Sales &amp; use tax/mental health</b>	Support Sales and use tax for chemical dependency, mental health tx and therapeutic courts – Changes supplantation to up to 50% for 1st three years from 50% for 2011 and 2012 and up to 25% for fourth and fifth years from 40% for 3rd year, 30% for 4th year and up to 20% for the 5th year and up to 10% for the 6th year – Refer to Committee – Defer Recommendation	01/13/2012
ESHB 2363	<b>Domestic violence victims</b>	No Position The bill is subject to amendment that adds stalking provisions from 2464 and is already amended from when we took previous position. Will take NP at this point. TP reports that Senator Hargrove does not intend to allow amendment to add stalking to DV bill.	02/17/2012

		Watch Will support section 12 related to WSIPP evaluation. Will give TP the FJLC report and ask that he deliver to sponsor. NP but concerns listed in FJLC report.	01/20/2012
		No Position NP but concerns listed in FJLC report.	01/20/2012
HB 2392	<b>Shared parental responsibility</b>	Oppose Janet S will pull old letters and draft new one to mail. Modifies provisions relating to shared parental responsibility. Presumption of shared parenting.	01/20/2012
HB 2405	<b>Vehicular homicide offenders</b>	No Position NP on policy issue but TP note to sponsor that here is already a remedy. Restitution includes lost wages and lost earning potential. Fiscal concern about increased hearings. Provides that restitution for Vehicular Homicide while driving under the influence may include payments to help support the minor children of the victim.	01/20/2012
		No Position NP on policy issue but TP note to sponsor that here is already a remedy. Restitution includes lost wages and lost earning potential. Fiscal concern about increased hearings. Provides that restitution for Vehicular Homicide while driving under the influence may include payments to help support the minor children of the victim.	01/20/2012
HB 2423	<b>Bail for felony offenses</b>	Support Support as drafted. Modifies provisions relating to bail and appearance bonds and bail bond agents.	01/20/2012
HB 2429 (6068)	<b>Autopsy/religious objection</b>	No Position Prohibits an autopsy from being performed over the objection of a surviving relative or friend of the deceased that the procedure is contrary to the religious belief of the decedent, or if there is otherwise reason to believe that an autopsy is contrary to the decedent's religious beliefs.	01/20/2012
HB 2432	<b>Criminal street gangs</b>	No Position Requires the WA St partnership council on juvenile justice, when funding is appropriated for this purpose, to award grants to carry out local projects focused on criminal street gang prevention and intervention programs. Creates the criminal street gang prevention and intervention grant program account. Makes an appropriation.	01/20/2012
HB 2449	<b>Arbitration proceedings</b>	No Position Modifies provisions relating to statutes of limitation in arbitration proceedings. A claim sought to be arbitrated is subject to the same limitations of time as if the claim had been asserted in a court.	01/20/2012
HB 2461	<b>Guardians ad litem</b>	No Position NP with concerns. Will share P&G report with TP and ask to pass on to the sponsor. Includes the results of an examination of state and national criminal identification data as a qualification for a GAL.	01/20/2012

(6488)		No Position Reporting and training requirements for guardians - We already took no position on 2463	01/27/2012
		No Position Modifies reporting and training requirements for guardians of certain small estates.	01/20/2012
HB 2464	<b>Stalking protection orders</b>	Oppose J Prochnau has drafted commentary, section by section, and sent to TP to share with Goodman and staff.	01/27/2012
		Oppose Oppose civil aspects of bill. Establishes the stalking protection order act as a remedy for victims who do not qualify for a DV order of protection.	01/20/2012
HB 2468- (6283)	<b>Death penalty elimination</b>	No Position Eliminates the death penalty to reduce criminal justice expenses.	01/20/2012
HB 2516- (6239)	<b>Marriage &amp; dom. partnerships</b>	No Position Bill to allow marriage regardless of gender and sexual orientation, to ensure that all persons in this state may enjoy the freedom to marry on equal terms, while also respecting the religious freedom of clergy and religious institutions to determine for whom to perform marriage ceremonies and to determine which marriages to recognize for religious purposes.	01/20/2012
HB 2521	<b>Citizens' custody review brd</b>	Oppose This bill would add an administrative layer that has the authority to release offenders without further order of the court. Oppose base on sep of powers and truth in sentencing, but will consider changing position if the sponsor amends it to add referral back to sentencing court. Establishes a citizens custody review board that is authorized to determine whether individuals, whom society no longer needs to hold in prison for public safety, should be released from custody. Requires DOC to 1 Provide space in which the citizens custody review board may meet and 2 Provide clerical assistance. Provides that, except as otherwise restricted by federal law, an offender released pursuant to the act is subject only to the conditions of release established by the citizens' custody review board. Requires WSIPP study of the effect of the act on recidivism and other outcomes.	01/27/2012
HB 2535	<b>Juvenile gang court</b>	No Position NP on bill but will provide comment to BJA about general guidelines and principles that should be followed for each therapeutic court. Bill allows courts to establish juvenile gang courts. Yakima County juv already operates one, started with Gates money. BJA wants SCJA input on creating therapeutic courts in general. Will be on BJA agenda for 1/23.	01/20/2012
E2SHB 2536 (6205)	<b>Children/services delivery</b>	Watch Cont underlying position to Oppose but on Watch List. Take advise from TP. His report indicates that there continues to be opposition from other stakeholders impacted by provisions of bill.	02/17/2012

(6205)	<b>Children/services delivery</b>	Watch	02/10/2012
HB 2536 (6205)	<b>Children/services delivery</b>	Oppose Still oppose. Only amendment to offer is to exclude county, juvenile court programs from EBP and QA.	01/27/2012
		Oppose Strongly oppose and will testify in opposition at hearing on 1/24 along with WAJCA. These companion bills, sponsored by Dickerson and Hargrove, direct how juvenile courts spend state resources for programs. The loss of flexibility will cripple staffing and court infrastrucutre. The bill moves responsibility for QA systems related to services to the UW Institute for EBPs rather than to the Center for Court Research which is what the SCJA and WAJCA have been trying to accomplish. Need to coordinate opposition. Meetings are scheduled with Hargrove and Dickerson.	01/20/2012
SHB 2541	<b>Sealing juvenile records</b>	Support Continue to Support	02/17/2012
HB 2541	<b>Sealing juvenile records</b>	Support Modifies way courts seal records. Requires that any time the court vacates a deferred disposition conviction the court shall enter a written order sealing the case.	01/20/2012
HB 2542	<b>Juvenile records access</b>	Support Support with fiscal concerns.	01/20/2012
HB 2547 (6404)	<b>Veterans' courts</b>	No Position BJA took NP.	01/27/2012
HB 2559	<b>Bribery of public officials</b>	No Position Expands the crime of bribery by including campaign contributions with regard to pecuniary benefits.	01/27/2012
HB 2564 (6321)	<b>Sealing records/housing opps</b>	No Position NP with fiscal concerns and various recommendations for changes. J Prochnau will send a summary to TP to share with sponsor. Facilitates the sealing of certain unlawful detainer and protection orders to protect housing opportunities.	01/27/2012
HB 2589	<b>Unlawful firearm possession</b>	No Position Makes 2nd degree unlawful possession of a firearm a predicate offense for unlawful possession 1st degree	01/20/2012
HB 2592	<b>Extended foster care</b>	Support Extended foster care services - Continues foster care and post secondary education assistance for up to age 21 if enrolled prior to enactment of this bill and calls for cessation of the program within 3 years - Looks like a budgetary issue	01/20/2012
HB 2594	<b>Criminal street gangs</b>	No Position Criminal street gangs, adds a new chapter to Title 7 RCW and prescribes penalties	01/20/2012

		and intervention services.	
SHB 2603	<b>Juvenile offender sentencing</b>	Support Position not indicated on Positions Taken list – Refer to Committee	02/17/2012
HB 2603	<b>Juvenile offender sentencing</b>	Support Reformatting juvenile offender sentencing grid. Asked J Halpert for recommendation. There is a hearing on friday teh 27th.	01/20/2012
HB 2657	<b>Adoption support expnditures</b>	No Position Prohibits DSHS from setting the amount of certain adoption assistance payments to more than ninety percent of the foster care maintenance payment for that child had he or she remained in a foster family home during the same period. Requires DSHS to workers charged with negotiating adoption support agreements are properly trained. Requires DSHS, BHR, to convene a work group as part of its children's MH redesign process, to develop recommendations to better address MH service needs of adoptive families and to reduce the need for adoptive families to spend adoption support payments on MH services.	01/27/2012
<del>HB 2661</del>	<del><b>Election of judges</b></del>	Oppose BJA opposed	01/27/2012
HB 2668	<b>Bail practices</b>	Support BJA and DMCJA both support. Amends provisions governing the licensing and professional conduct requirements of bail bond agents. Defines the circumstances under which a bail bond agent can surrender a person under their bond. Requires a court to provide a surety with notice of a defendant's failure to appear within 14 days.	01/27/2012
HB 2677 (6351)	<b>Records copying &amp; inspection</b>	No Position Earlier version was on our Watch List – Current version deletes threshold showing of "demonstrates that it (agency) faces significant burden in fulfilling the public record request – Refer to Committee	02/17/2012
		No Position	02/10/2012
		Watch Inspection and copying public records - removes the reference to nonexempt public records and the reference to persons serving criminal sent so that anyone can be enjoined from access. Expands the basis upon which the impacted agency can seek injunction to situations where it can show that it faces significant burden in fulfilling the public records request.	02/03/2012
HB 2680 (6284)	<b>Civil traffic infractions</b>	No Position Earlier version was on our Watch List per DMCJA No Position – Follow DMCJA Position	02/17/2012

		No Position Will follow lead of DMCJA and take NP on policy but note the following concerns: 1) May be in violation of interstate compact; 2) will create revenue impact at all levels and potential of JIS funding; 3) already alternatives being used to this process. Reforms approach to certain nonsafety civil traffic infractions by authorizing civil collection process for unpaid traffic fines.	02/03/2012
HB 2683	<b>Nonparent's responsibilities</b>	Oppose Changes presumption. Authorizing termination of all legal responsibilities of a nonparent if genetic testing shows by clear and convincing evidence that a man is not the genetic father. Bad law as it throws best interest of the child out the window years after child support was ordered. Does this open the door for litigation to recoup past paid support?	01/27/2012
HB 2692	<b>Commercial sale of sex</b>	No Position Will let DMCJA take the lead. Reduction of the commercial sale of sex. Imposes fines on defendants convicted of relevant crimes, requires work by the Clerk so possible fiscal impact.	01/27/2012
HB 2702	<b>Child support collections</b>	No Position Improving child support collection by requiring reporting of compensation paid to independent contractors and intercept of gambling income, no significant impact on the court. We may want to support it as it is in the best interest of children.	01/27/2012
HB 2726	<b>Reporting a child's death</b>	No Position Criminalizing the failure to report the death or disappearance of a child within a specified time by persons responsible for care of child - No Position	02/03/2012
HB 2730	<b>Commitment/annual reviews</b>	Watch On watch status, shows as dead after cut off. Annual reviews of commitment under chapter 71.09 RCW - Requires annual reviews by the department with reports to the court and prosecutor.	02/17/2012
		Watch Annual reviews of commitment under chapter 71.09 RCW - Requires annual reviews by the department with reports to the court and prosecutor	02/03/2012
HB 2732	<b>Juvenile offenders treatment</b>	No Position This is the "save Naselle Youth Camp" bill. It requires a med sec JRA facility. Creates a sentence for treatment program. Rec Support and Refer to Committee	02/03/2012
HB 2754	<b>DNA evidence/death penalty</b>	No Position Requiring DNA evidence prior to the imposition of the death penalty - No Position	02/03/2012
HJR 4203 (8204)	<b>Retirement age for judges</b>	Support Position consistent with BJA. Eliminates mandatory retirement age and permits legislature to determine when a judge must retire - We took No Position last year - BJA now Supports	01/13/2012

		Support SCJA supports recommendation of the Data Dissemination committee to create a taskforce. While a taskforce is the preferred idea, if the bill is not amended, the SCJA still supports.	01/13/2012
		Support The SCJA supports the recommendation of the data dissemination committee to create a taskforce. While the taskforce is the preferred option, if the bill is not amended, the SCJA still supports the bill as drafted. BJA opposed as drafted but Mellani will try and negotiate on behalf of BJA. The new case management system will address many of the concerns raised in the bill.	01/13/2012
<del>2SSB-5049</del>	<b>Sunshine committee</b>	No Position Opposed on 1/27 because of the requirement to release results of criminal background check of CASA volunteers to the public.	02/10/2012
<del>SSB-5049</del>	<b>Sunshine committee</b>	Oppose Oppose the requirement to release results of criminal background check of CASA volunteers to the public. Ask TP to notify Sen Kline that all CASA volunteers get fingerprint checks prior to being approved. Reg send FYI note to State CASA.	01/27/2012
SB 5055	<b>Probate/pers. representative</b>	Oppose Notice of appointment of a personal representative in probate proceedings. Requires PR to file affidavit of appointment and mail copy to DSHS division of Child Support. Rec Support. BJA is taking No Position and expects SCJA to take the lead.	01/13/2012
		Oppose 1. SS# and DOB are personal identifiers which can be used to facilitate identity theft. Great caution should be emphasized in bringing them into an otherwise public proceeding in which money is involved. Heirs have no duty to disclose this confidential information to a Personal Representative. 2. Probate court could become the battleground for litigating the validity of DSHS liens against an inheritance or whether the personal representative exercised reasonable diligence in searching out the personal identifiers. 3. The DCS proposals do not contain a provision that the Dept will be liable for costs to the estate or heir if a lien is improperly imposed and successfully challenged. 4. The DCS proposal may seek to sweep in takers of non-probate assets. The Personal Rep of the estate has no duty to be involved with assets passing outside the estate and would not necessarily even know of the parties or property involved. 5. Other creditors, such as health care providers, use a service that scans probate filings in search of debtors. This might be a reasonable alternative. BJA is taking No Position and expects SCJA to take the lead.	01/13/2012
SB-5147	<b>Retirement age for judges</b>	Support Position consistent with BJA. Eliminating mandatory retirement age for judges.	01/13/2012
SB-5323	<b>Retirement of judges</b>	Support Position consistent with BJA. Provides option to retire at end of calendar year of age 75 attainment or at the end of the elective term.	01/13/2012

(1775)	<b>Juvenile restorative justice</b>	Support Juvenile restorative justice (RJ)Supported last year and should continue to Support. WAJCA comment that courts can already order RJ programs in diversion cases and is not relevant to counsel and release. The WAJCA made that clear last year and bill not amended. Regardless, WAJCA will cont to support. See definition #26 at page 6.	02/03/2012
SB 5971	<b>Child abuse reporting</b>	No Position NP but concerns listed in FJLC report. Referred by leg committee on 1/13.	01/20/2012
		-----	12/30/2011
SB 6001	<b>Impaired drivers/judgments</b>	----- Extends the time to enforce civil judgments for damages caused by impaired drivers. A civil judgment for damages for death or personal injury caused by operation of a motor vehicle while under the influence of alcohol/drug may petition the court for an order granting an extension to execute,garnish, and have legal process issued upon the judgment. The order granting an extension shall not specify an expiration date and shall specify that the judgment is extended until the judgment is satisfied. DMCJA has been incontact with Sponsor. They have concerns but take NP. Will let Reg know if they change position.	01/13/2012
SB 6008	<b>Criminal street gangs</b>	No Position While the SCJA takes NP, a FN is requested. Section 8 should be clear on criminal v. civil contempt. Strong prevention and intervention services that divert gang associates and members from gang activity are essential to reducing gang violence. Prevention and intervention services are most effective when gang activity is interrupted. Civil gang injunctions are a proven tool for interrupting gang activity and allowing prevention and intervention services to succeed.	01/13/2012
		No Position SCJA takes NP but request FN due to expected additional workload. Section 8 needs to be clear on civil v. criminal contempt. Strong prevention and intervention services that divert gang associates and members from gang activity are essential to reducing gang violence. Prevention and intervention services are most effective when gang activity is interrupted. Civil gang injunctions are a proven tool for interrupting gang activity and allowing prevention and intervention services to succeed.	01/13/2012
SB 6025	<b>District judge retiremnt age</b>	Support DMCJA propsed bill. Requires a district judge to retire from judicial office at the expiration of the judge's term of office in which the judge attains the age of 75 years. BJA supports.	01/13/2012
SB-6052- (2216)	<b>Vehicular homicide &amp; assault</b>	No Position Increases the penalties for vehicular homicide and vehicular assault.	01/13/2012
SB 6068 (2429)	<b>Autopsy/religious objection</b>	No Position Prohibits an autopsy from being performed over the objection of a surviving relative	01/20/2012

		or friend of the deceased that the procedure is contrary to the religious belief of the decedent, or if there is otherwise reason to believe that an autopsy is contrary to the decedent's religious beliefs.	
SB 6071	<b>Vacating records</b>	No Position Amends 9.96.060 and 9.94A.640 on vacating records.	01/13/2012
SB 6143 (2354)	<b>Stolen property trafficking</b>	No Position Trafficking in stolen property - Extends Statute of Limitations to 6 years	01/13/2012
SB 6157	<b>Juvenile detention intake</b>	Support Juvenile detention intake standards for youth with DD issues. Requires each county to establish intake standards for juveniles with developmental disabilities by 12/31/12. These standards developed by interim workgroup and WAJCA participated.	01/13/2012
SB 6182	<b>Criminal defendants</b>	No Position Adds section (d)(3) A conviction can be supported solely by a confession, admission, or other statement of the defendant, if there is substantial independent evidence that would tend to establish the trustworthiness of the confession, admission, or other statement.	01/20/2012
SB 6205 (2536)	<b>Children/services delivery</b>	Watch Cont underlying position to Oppose but on Watch List. Take advise from TP. His report indicates that there continues to be opposition from other stakeholders impacted by provisions of bill.	02/17/2012
		Watch	02/10/2012
		Oppose Still oppose. Only amendment to offer is to exclude county, juvenile court programs from EBP and QA.	01/27/2012
		Oppose Strongly oppose and will testify in opposition at hearing on 1/24 along with WAJCA. These companion bills, sponsored by Dickerson and Hargrove, direct how juvenile courts spend state resources for programs. The loss of flexibility will cripple staffing and court infrastrucutre. The bill moves responsibility for QA systems related to services to the UW Institute for EBPs rather than to the Center for Court Research which is what the SCJA and WAJCA have been trying to accomplish. Need to coordinate opposition. Meetings are scheduled with Hargrove and Dickerson.	01/20/2012
SB 6239 (2516)	<b>Marriage &amp; dom. partnerships</b>	No Position Bill to allow marriage regardless of gender and sexual orientation, to ensure that all persons in this state may enjoy the freedom to marry on equal terms, while also respecting the religious freedom of clergy and religious institutions to determine for whom to perform marriage ceremonies and to determine which marriages to recognize for religious purposes.	01/20/2012

		Support It deals with deferred dispositions and sealing of files following dismissal – Somehow I missed the original bill – I recommend we Support; however, Sec. 3 contains a provision that a dismissed firearms charge is still a conviction which appears to conflict with the deferred disposition and dismissal purpose; therefore, it might be better to have an amendment that merely provides that firearms charges do not qualify for deferred disposition	02/17/2012
		Support	02/10/2012
SB 6283 (2468)	<del>Death penalty elimination</del>	No Position Eliminates the death penalty to reduce criminal justice expenses.	01/20/2012
2SSB 6284 (2680)	<del>Civil traffic infractions</del>	----- Earlier version was on our Watch List per DMCJA No Position – Follow DMCJA Position	02/17/2012
SB 6284 (2680)	<del>Civil traffic infractions</del>	----- DMCJA took NP on policy but noted the following concerns: 1) May be in violation of interstate compact; 2) will create revenue impact at all levels and potential of JIS funding; 3) already alternatives being used to this process. Reforms approach to certain nonsafety civil traffic infractions by authorizing civil collection process for unpaid traffic fines.	02/03/2012
SB 6291	<del>Sealing juvenile records</del>	Support Any time the court vacates a deferred dispo conviction, if the juvenile is 18 or older, the court shall enter a written order sealing the case. Any time the court vacates a conviction, if the juvenile is not 18 or older, the court shall schedule an admin sealing hearing to take place no later than 30 after the respondent's 18 birthday, at which time the court shall enter an order sealing the case. The respondent's presence at the admin sealing hearing is not required. Any deferred dispo vacated prior to the effective date of this section is not subject to sealing under this subsection.	01/20/2012
2SSB 6292	<del>Juvenile offenses</del>	No Position NP with concerns and need an updated FN. This sub has changed teh bill significantly from the original version - related now to juv deversions. Ask TP to take concerns to Senator Harper. Access to juvenile records – this bill has been amended twice in the last week and the current version is not available yet	02/10/2012
SB 6292	<del>Juvenile records access</del>	Support Support with fiscal concerns. Makes juvenile court records confidential but lists exceptions. Sen Harper anxious for SCJA to support, asked J Warning if the SCJA could get a judge to testify on his juvenile records bill. At least Tom could testify if it turns out we are in favor.	01/20/2012
SB 6321 (2564)	<del>Sealing records/housing opps</del>	No Position NP with fiscal concerns and various recommendations for changes. J Prochnau will	01/27/2012

		send a summary to TP to share with sponsor. Facilitates the sealing of certain unlawful detainer and protection orders to protect housing opportunities.	
SB 6333 (2298)	<b>Restraints, use on juveniles</b>	Oppose Even though the restriction to use restraints during transport is removed, there are still objections related to sep of powers. There are practical issues of putting on and taking off restraints. Still a big FN on record. Will ask TP about reaching out to victim groups with concerns about safety of victims, etc.	02/03/2012
		Oppose Will testify in opposition at hearing on Monday at 6 pm and will look for new FN, which is expected to be high. Oppose various assumptions listed in intent section and based on separation of powers and fiscal impact to increase security. WAJCA has met with proponents, but no amendment. Prohibits use of restraints unless court finds it necessary in the courtroom and unless the transportation officer finds it necessary to and from courtroom. Will alert Assoc of Counties about local impact.	01/20/2012
SB 6344	<b>Shared-parental-respsibility</b>	Oppose Shared parenting responsibility	01/20/2012
SSB 6351 (2677)	<b>Records-copying &amp; inspection</b>	No Position Earlier version was on our Watch List - Current version deletes threshold showing of "demonstrates that it (agency) faces significant burden in fulfilling the public record request - Refer to Committee	02/17/2012
		No Position	02/10/2012
SB 6351 (2677)	<b>Records-copying &amp; inspection</b>	Watch Inspection and copying public records - removes the reference to nonexempt public records and the reference to persons serving criminal sent so that anyone can be enjoined from access. Expands the basis upon which the impacted agency can seek injunction to situations where it can show that it faces significant burden in fulfilling the public records request.	02/03/2012
SSB 6389	<b>Crime victims' services acct</b>	Oppose Crime victim services	02/10/2012
SB 6389	<b>Crime victims' services acct</b>	Oppose Crime victims' services - establishes assessment of a penalty on traffic infractions . Both BJA and DMCJA oppose.	01/27/2012
SB 6403	<b>Vulnerable adult protection</b>	No Position Prohibits a public agency from charging a fee for filing or service of process to petitioners seeking vulnerable adult protection orders.	01/27/2012
SB 6404 (2547)	<b>Veterans' courts</b>	No Position BJA took NP.	01/27/2012

	<b>Aggravated 1st degree murder</b>	No Position Includes in the crime of aggravated first degree murder, that the victim was fourteen years old or younger.	01/27/2012
SSB 6427	<b>Incapacitated adults</b>	No Position Com. Valente provided a clear list of concerns and has asked J Inveen or lobbyist to pass on concerns. Will take NP since bill is not moving forward this year.	02/17/2012
		Watch Improving protections for incapacitated adults	02/10/2012
		Concerns Comm Valente provided a report. While the SCJA will not oppose (as rec in the report) we would like to narrowly articulate the concerns to pass on to the sponsor. Will follow up with Shirley, staff to the committee.	02/03/2012
SB 6485	<b>Liability</b>	No Position Limiting the exceptions to the general rule of several or proportionate liability. Rec NP	01/27/2012
SB 6488- (2463)	<b>Guardian requiremnts/estates</b>	No Position Reporting and training requirements for guardians - We already took no position on 2463	01/27/2012
SSB 6492	<b>Competency to stand trial</b>	Support	02/10/2012
SB 6492	<b>Competency to stand trial</b>	Support Improving timeliness, efficiency, and accountability of forensic resource utilization associated with competency to stand trial. Rec Support The following performance targets are established for completion by the state hospital of competency services: 7 days for admission to a state hospital for evaluation, treatment, or civil conversion; 7 days for completion of an evaluation and report for a defendant in jail; and 21 days for completion of an evaluation and report for a defendant in the community who makes reasonable efforts to cooperate with the evaluation.	01/27/2012
SSB 6493	<b>Sexual predator commitment</b>	Support	02/17/2012
		Support Sexually violent predator civil commitment cases	02/10/2012
SB 6493	<b>Sexual predator commitment</b>	Support Requires the director of OPD to administer state funded services in representation of indigent respondents qualified for appointed counsel in SVP civil commitment cases. Transfers powers, duties, and functions of DSHS pertaining to indigent defense for SVP to OPD.	01/27/2012
SSB 6494	<b>School truancy procedures</b>	Support	02/10/2012

SB 6494	<b>School truancy procedures</b>	Support Support with one amendment to section (b). Will send modification to TP and ask to share with sponsor. Also notified WAJCA. Modifies provisions relating to truancy procedures for children under seventeen years of age. Prohibits issuance of a bench warrant at an initial truancy status hearing. Can the legislature prohibit the court from issuing a warrant?	01/27/2012
SB-6511	<b>Protection order petitions</b>	Oppose Oppose for the following reasons: fiscal concerns (is there a FN?), court rule overrides statute, not practical, dealing with pro se. Will share issues with BJA. PROVIDED, That the rules of evidence shall be strictly observed during any hearing on a protection order, any testimony shall be provided under oath, and the judge shall disclose to all parties any information other than personally identifying information the judge reviews in a criminal or civil database related to the request for a protection order. Gender and Justice Commission also opposes.	01/27/2012
SSB 6555	<b>Child protective services</b>	No Position Relating to child protective services	02/10/2012
SB-6578	<b>Chemical dependency treatmnt</b>	Support Reg will send list of duties for a therapeutic court coordinator position to TP to approach Hobbs and Hargrove with request for approx. \$100k for a staff person at AOC. Bill necessary to implement the budget.	02/17/2012
SJR-8204 (4203)	<b>Retirement age for judges</b>	Support Position consistent with BJA. Eliminates mandatory retirement age and permits legislature to determine when a judge must retire - We took No Position last year - BJA now Supports	01/13/2012