Board for Judicial Administration
***Sine Die* Report**
Current as of Friday, March 14, 2014

The Legislature adjourned *sine die* at 11:30 p.m. on Thursday night, passing a supplemental operating budget within the 60 days allotted.

Here are the final highlights regarding bills BJA was tracking and other legislation of interest:

BJA Request Legislation

~~HB 2131~~ - Increases the number of superior court judges in Mason County.
Position - Request
Status – Died in House Appropriations General Government & IT.

SB 5981 - Increases the number of superior court judges in Mason County.
Position – Request
Status – Passed Senate 49-0. Passed House 92-5. Delivered to the Governor.

~~SHB 1542~~ - Requires courts to appoint a certified or registered interpreter at public expense in all legal proceedings in which a non-English-speaking person is a party or is compelled to appear. Requires the state to pay 50 percent of the cost of interpreters beginning in January 2017. Requires courts to track and provide interpreter cost and usage data annually to the Administrative Office of the Courts. (Amended in House Appropriations to remove the 2017 deadline for state funding.)
Position – BJA Request; oppose without funding
Status – 2013 - Passed House 54-42. Died in Senate Law & Justice.
2014 – Died on House Floor Calendar

~~SB 5398~~ - Requires courts to appoint a certified or registered interpreter at public expense in all legal proceedings in which a non-English-speaking person is a party or is compelled to appear. Requires the state to pay 50 percent of the cost of interpreters beginning in January 2017. Requires courts to track and provide interpreter cost and usage data annually to the Administrative Office of the Courts.
Position – BJA Request
Status – Died in Senate Law & Justice

Data Dissemination/Access to Court Records

~~HB 1497~~ - Requests the Washington State Supreme Court to adopt court rules redacting or sealing nonconviction court records and, when technologically and economically feasible, providing a process for removing nonconviction information from public court indices. Prohibits employers and landlords from inquiring into, or receiving information through a criminal history background check, about nonconviction records and rejecting an applicant on the basis of nonconviction records. *This bill has significant JIS impact, resulting in 8,400 to 12,000 hours of programming time and a fiscal note ranging from $1,010,400 to $1,459,200.*
Position – No position
Status – Died in House Judiciary

2SHB 1651 – Amended in Senate as a result of stakeholder negotiations. Creates an administrative sealing process for juveniles, except for certain crimes, after the completion of any sentencing obligations and after age 18, unless someone objects.
Position – No position. (Prior - Concerns regarding JIS impact and costs.)
Status – Passed House 96-0. Amended and passed Senate 48-0. Passed House 97-1. Delivered to Governor.

~~SB 5341~~ - Requests the Washington State Supreme Court to adopt court rules redacting or sealing nonconviction court records and, when technologically and economically feasible, providing a process for removing nonconviction information from public court indices. Prohibits employers and landlords from inquiring into, or receiving information through a criminal history background check, about nonconviction records and rejecting an applicant on the basis of nonconviction records. *This bill has significant JIS impact, resulting in 8,400 to 12,000 hours of programming time and a fiscal note ranging from $1,010,400 to $1,459,200.*
Position – No position
Status – Died in Senate Law & Justice

~~2SSB 5689~~ - Court records and public court indices containing nonadjudication or nonconviction information relating to the commission of juvenile offenses are restricted from public access. Nonadjudication or nonconviction information means information contained in records collected by the courts relating to arrest, probable cause hearings, citation, and charges that did not lead to an adjudication; charges resulting in a dismissal or acquittal; and charges dismissed pursuant to a diversion or deferred sentence. Access by agencies for research purposes, as provided elsewhere in statute and expressly permitted for sealed juvenile records is allowed. *This bill requires significant changes to JIS, resulting 8,400 to 12,000 hours of programming time and one-time costs ranging from $1.1 million to $1.4 million.*
Position – No position
Status – Died in Senate Rules

~~SB 6403~~ – Requires juvenile offender records be available for bulk distribution through JIS and on the public website.
Position – Watch
Status – Died in Senate Human Service & Corrections

~~SB 6469~~ – Requires sealing of juvenile records at disposition under certain conditions.
Position – Not Reviewed
Status – Died in Senate Human Service & Corrections

Bills Affecting AOC Employees and/or Judges

~~HB 2128~~ – Exempts GPS data that shows the residence of an employee or agent of a criminal justice agency from public disclosure.
Position – Support
Status – Died in House Govt. Operations

~~HB 2601~~ – Provides that a municipal court may only be terminated at the end of the term of the judge(s) of that court. DMCJA request legislation.
Position – Support
Status – Died in House Judiciary.

~~ESB 5860~~ - The Attorney General is not required to institute legal actions on behalf of Superior Court judges unless requested to do so by the Administrator for the Courts. Amended by the Senate to require AOC to bear half the legal costs and to institute a 90-day notice requirement and a 120-day period for alternative dispute resolution. Amended by House Judiciary to provide that the Attorney General is not required to institute actions over funding on behalf of superior court judges. ~~HB 2024~~ applies the same restrictions to all state officers.
Position – Oppose
Status – 2013 - Passed Senate 47-2. 2014 – Reintroduced and retained in present status.

~~SB 5867~~ – Reduces the size of the Supreme Court from 9 to 5 by lottery (drawing straws.)
Position – Watch
Status – Died in Senate Law & Justice.

~~SB 6012~~ – Prohibits the WSBA from charging a fee for judicial membership.
Position – Watch
Status – Died in Senate Rules

~~SB 6088~~ - Reduces the size of the Supreme Court to 7 by attrition.
Position – Watch
Status – Died in Senate Rules

~~SB 6305~~ – Creates a defined contribution retirement plan for elected officials. *Judges were removed via amendment in Senate Ways & Means.*
Position – Oppose
Status – Died in Senate Rules

~~SB 6459~~ – Redefines compensation for use in calculating retirement benefits for elected service. *Amended to use the highest average over a consecutive 60 month period of elected service; all periods were used in the original bill.*
Position – Oppose
Status – Died in Senate Rules

Elections

~~HB 2525~~ – Provides public funding for Supreme Court campaigns using a portion state bar association membership dues as a funding source.
Position – Watch
Status – Died in House Govt. Operations

~~SJR 8215~~ – Amends the state constitution so that only persons who are qualified voters in a county are elected or appointed to the office of judge for superior court of that county.
Position – No Position
Status – Died in Senate Rules

Problem Solving Courts

~~SHB 2556~~ – Consolidates authorizing statutes for problem solving courts and implements the recommendations from the workgroup created by SB 5797 (2013).
Position – Support
Status – Passed House 95-1. Died on Senate floor calendar.

Other

~~SHB 1098~~ – Amends professional conduct requirements of bail bond agents. Requires a court to notify the Administrative Office of Courts when the court revokes or reinstates the justification or certification of a bail bond agent to post bonds in the court.
Position - Support
Status - Passed House 92-0-6. Died in Senate Law & Justice.

~~SHB 1771~~ - Requires approval before public agencies can obtain a public unmanned aircraft system. Allows a public unmanned aircraft system to be operated, or information gained therefrom, to be disclosed pursuant to a judicial search warrant, if the use is not regulatory enforcement and is reasonably determined to be unlikely to collect personal information, or in an emergency. Includes reporting requirements similar to those for wiretaps. See also EHB 2789 (Delivered to Governor), ~~SB 5782~~ and ~~SB 6172~~ regarding "drones."
Position – Watch
Status – Died in House Rules.

SHB 2111 –Removes the requirement that an infraction issued by the Regional Transit Authority conform to the requirements for a notice of civil infraction. See also ~~SB 5961~~.
Position – Concerns
Status – Passed House 97-0. Amended in Senate and passed 38-11. Passed House 95-3. Delivered to Governor.

~~HB 2399~~ – Establishes a "certificate of restoration of opportunity," which can be sought by a person with a criminal record to eliminate any professional bar imposed solely as a result of the conviction.
Position – Watch
Status – Died in House Public Safety

~~HB 2497~~– Increased certain fees to partially fund indigent defense services. See also SB 6249.
Position - Watch
Status – Died in Appropriations.

~~HB 2751~~ – Creates the "Restitution First Act" and alters how legal financial obligations may be imposed and collected.
Position – Not yet reviewed
Status – Bill died in House Judiciary. Work session in House Public Safety.

~~SSB 5020~~ - The definition of indigent and able to contribute is changed to mean a person who, at any stage of a court proceeding, meets the criteria for indigency, but who is also found to also have available funds to pay a portion of the anticipated cost of counsel.
Position – Watch
Status – Passed Senate 27-20. Died in House Judiciary.

2SSB 6126 – Requires an attorney be appointed for children in dependency proceedings at the expense of the county. Subject to funds appropriated, the state may reimburse up to one-half the cost. Null and void clause added. Some funding was provided in the final budget. See also HB 1285.
Position – Not reviewed
Status – Passed Senate 47-0. Amended in House and passed 97-0. Passed Senate 49-0. Delivered to Governor.

~~SB 6249~~ - Increased certain fees to partially fund indigent defense services. Amended to include reporting requirements for courts and judicial branch agencies regarding what funds are constitutionally required and those that are not constitutionally required.
Position – Watch. After amendment, oppose.
Status – Passed Senate 31-14. Died in House Judiciary. House Judiciary will include a work group in their interim activities.

~~SB 6568~~ – Copies language from a recent *McCleary* order and requires the Supreme Court to decide more cases.
Position – Not yet reviewed
Status – Introduced after cutoff; Died in Senate Law & Justice.

Budget

~~HB 2185~~/SB 6002 – Making supplemental operating appropriations. Conference bill affected the judicial branch in these ways:

- The legislature did not provide funding for merit increments (COA and Supreme Court) or step M (Supreme Court and State Law Library).
- The legislature did provide additional funding for salary increases approved by the Washington Citizens' Commission on Salaries for Elected Officials (various).
- The legislature did not provide funding for leave buy out costs (Supreme Court).
- The legislature did provide funding for increased costs for Attorney General services and unemployment compensation (various).
- The legislature did provide additional funding for the Appellate and Superior Court case management systems and for information technology security enhancements (AOC).
- The JIS proviso as proposed by the House is included in the conference budget.
    - The legislature did provide additional funding for the Office of Public Guardianship (AOC).
    - The legislature reduced funding, by 50%, for county clerk legal financial obligation collection programs (AOC).
    - The legislature did not provide funding for Thurston County Impact fees or State CASA (AOC).
    - The legislature did provide additional funding for immigration consequences, appellate death penalty defense, and parental termination case representation (OPD).
    - The legislature did provide funding for the replacement of the CLEAR phone system and funding for implementation of SB 6126 child dependency representation (OCLA).
    - The legislature did not cut funding to the Interpreter Commission as proposed in the Senate budget.

Status – Conference bill passed House 85-13 and Senate 48-1. Delivered to Governor.