WASHINGTON COURTS

ADMINISTRATIVE OFFICE OF THE COURTS

April 28, 2023

TO: Judicial Information System Committee (JISC)

FROM: Brittany Gregory, AOC Associate Director, Judicial and Legislative Relations

RE: 2023 Legislative Update

2023 Legislative Session

The 2023 Legislative session concluded on Sunday, April 23. The Governor has begun to sign bills that have passed out of both chambers.

2023 BJA Request Legislation

The Administrative Office of the Courts (AOC), on behalf of the Board for Judicial Administration (BJA), filed four agency request bills in the 2023 legislative session.

- **HB 1023**- Eliminating wiretap authorization reporting to the administrative office of the courts
  - Prime Sponsor: Representative Walen
  - Summary: Increases court efficiency by eliminating AOC and the Chief Justice's reporting requirements for wiretap authorizations.
  - Passed out of the Senate (48-0-1) on 4/5
- **HB 1102**- Concerning judge pro tempore compensation
  - Prime Sponsor: Representative Taylor
  - Summary: Addresses the pay disparity that exists for retired Superior Court Judges and Supreme Court Justices when they return to pro tem in a Superior Court. Currently, retired Superior Court judges and Supreme Court Justices make 60% of what is paid to private attorneys who serve as pro tems.
  - Signed by the Governor on 4/6
- **SB 5003**- Increasing the number of district court judges in Snohomish county
  - Prime Sponsor: Senator Lovick
  - Summary: Changes the number of District Court Judges in Snohomish County in statute from eight to nine.
  - Signed by the Governor on 3/30
- **SB 5128** - Concerning jury diversity
  - Prime Sponsor: Senator Trudeau and Representative Hackney
  - Summary: This is an omnibus bill with 4 subproposals aimed at increasing jury diversity by removing barriers to jury service. Barriers such as juror pay, dependent

or child care, and electronic service of jury summons. This bill also continues pertinent data collection regarding juror demographics in Washington and forms a workgroup to study the potential implementation of a childcare voucher assistance program or jurors.
  - Passed out of the House (89-8-1) on 4/7

Positions taken by the Board for Judicial Administration and/or the Administrative Office of the Courts

- **2SSB 5046-** Concerning postconviction access to counsel
  - Prime Sponsor: Senator Saldana
  - Summary: Directs the director of the Office of Public Defense to administer additional state-funded services for appellate and postconviction indigent defense. Requires counsel to be appointed at state expense to indigent persons filing a first, timely personal restraint petition; for petitions authorized by the Legislature; or if a final decision of an appellate court creates an ability to challenge a conviction or sentence. Clarifies when counsel may be appointed at state expense to file or prosecute second or subsequent personal restraint petitions or other collateral attacks. Tasks the Office of Public Defense to study the barriers to providing postconviction counsel to indigent persons.
  - Status: Passed out of the House (58-40) on 4/10
  - BJA Signed-in Pro
- **SSB 5087-** Defects and Omissions
  - Prime Sponsor: Senator Pedersen
  - Summary: Removing language from the Revised Code Washington that has been identified by the Justices of the Supreme Court or Judges of the Superior Courts as defects and omissions in the laws pursuant to Article IV, section 25 of the Washington state Constitution.
  - Status**:** Passed out of the House (58-39-1) on 4/7
  - BJA testified Pro
- **SB 5155-** Concerning the court of appeals
  - Prime Sponsor: Senator Wagoner
    - Court of Appeals request legislation
  - Summary: Removes certain language from state law addressing the administrative matters of the Court of Appeals for: providing that panels of judges in the first division are to be comprised of judges as directed by the chief judge of that panel; and providing for the transfer of judges or cases between divisions as directed by the Chief Justice of the State Supreme Court.
  - Status: Passed out of the House (98-0) on 4/10
  - BJA Signed-in Pro
- **SB 5347-** Concerning access to abstract driving records
  - Prime Sponsor: Senator Wagoner
    - DMCJA request legislation

  - Summary: Authorizes the Department of Licensing to provide an abstract of the full driving record, and all alcohol related offenses to an alcohol or drug assessment or treatment agency for an individual who has applied for evaluation or treatment. Permits probation officers and probation clerks employed by a court to provide an abstract driving record to a treatment agency. Permits courts to waive production and copying fees for the abstract driving records of indigent persons.
  - Status: Passed out of the House (96-0-2) on 4/7
  - BJA Signed-in Pro
- **SB 5392-** Concerning overpayments for certain matters
  - Prime Sponsor: Senator Schoesler
    - WSACC request legislation
  - Summary: Permits courts to retain overpayments in amounts of $10 or less in connection with any litigation. Overpayments shall be remitted by the clerk of the court to the local treasurer for deposit in the Local Current Expense Fund.
  - Status: Passed out of the House (96-1-1) on 4/12
  - BJA & AOC Signed-in Pro
- **SSB 5415-** Concerning public defense services for persons committed as not guilty by reason of insanity
  - Prime Sponsor: Senator Trudeau
  - Summary: Transfers the responsibility to provide representation for persons acquitted by reason of insanity and committed to state psychiatric care to the Washington State Office of Public Defense (OPD); directs OPD to contract with attorneys and other entities for legal representation for such persons throughout their term of commitment, and to pay costs related to expert witnesses, investigation, and litigation.
  - Status: Passed out of the House (96-1-1) on 4/7
  - BJA signed in Pro

Legislative Topics of Interest to the Judiciary in 2023

This session the legislature focused on bills that address homelessness, legal financial obligations, and the Blake decision. Notable bills that passed this session are included below:

- **E2SHB 1715-** Enacting comprehensive protections for victims of domestic violence
  - Prime Sponsor: Representative Davis
  - Summary: Strengthens the protections and simplifying the process for protection orders for domestic violence survivors; adds victim monitoring and notification technology in all courts/jurisdictions in Washington.
- **ESSB 5197-** Addressing landlord-tenant relations by providing technical changes
  - Prime Sponsor: Senator Kuderer
  - Summary: Makes technical fixes to the Eviction Resolution Pilot Program; mandates that courts allow remote participation by any party in forcible and unlawful detainer actions.

- **ESSB 5272**- Concerning speed safety cameras in highway work zones
  - Prime Sponsor: Senator Liias
  - Summary: Authorizes law enforcement officers to issue a traffic infraction when it is detected through the use of a speed safety camera system (safety camera) in highway work zones through June 30, 2030. Refers notices of infraction that have not been paid within 30 days of receipt or that have been disputed to the Office of Administrative Hearings for adjudication by an administrative law judge.
- **E2SSB 5536-** Concerning controlled substances, counterfeit substances, and legend drug possession and treatment
  - Prime Sponsor: Senator Robinson
  - Summary: Makes knowingly possessing a controlled substance a misdemeanor, encourages prosecutor to divert cases to treatment services, court and prosecutor must advise defendant of available pretrial diversion programs, and vacates convictions with proof of completion of a use disorder program; directs AOC to collect and report on a number of recidivism and pretrial diversion elements.

BJA Legislative Committee Next Steps

- The Board for Judicial Administration (BJA) has begun soliciting proposals for the 2024 legislative session.
- Proposals will be due in June.
- Selected proposals will be presented to the Board in August or September depending on the number of proposals.

cc: Dawn Marie Rubio, State Court Administrator
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