Board for Judicial Administration
Opposite House Policy Committee Cutoff Report
Current as of Wednesday, April 10th, 2013

Today is the 87th day of the 105-day legislative session. Tuesday marked the 5th major cutoff of the session, when bills were required to pass out of the fiscal committees in the opposite chamber. Committee work is largely complete for the remainder of the legislative session. With few exceptions, those that bills that did not pass should be considered dead unless they are deemed "necessary to implement the budget" (NTIB).

Bills, other than budget bills, need to pass the opposite house completely by 5 pm on April 17th. Bills amended in the opposite house returned to their house of origin to determine whether the originating house will concur with the amendments.

Here are the highlights regarding bills BJA is tracking:

BJA Request Legislation

~~HB 1159~~ - Increases the number of superior court judges in Whatcom County.
Position - Request
Status – Passed House 89-8. Died in Senate Law & Justice.

HB 1175 - Increases the number of superior court judges in Benton and Franklin Counties jointly.
Position – Request
Status – Passed House 87-9. Heard in Senate Law & Justice. Referred to Senate Rules.

~~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
Status – Passed House 54-42. Died in Senate Law & Justice.

SHB 1961 – Extending the expiration date for judicial stabilization trust account surcharges. Amended in House Appropriations to extend sunset date by 4 years rather than 2 due to new budget outlook requirements. The Senate budget assumes a 2-year extension at one-half the amount, but does not have a bill.
Position – BJA Request
Status – House Rules Review. Bill should be considered "necessary to implement the budget" and should not be considered dead, despite its failure to pass the House before cutoff.

SB 5052 - Increases the number of superior court judges in Whatcom County.
Position - Request
Status – Passed Senate 48-1. Heard in House Judiciary and Appropriations Committee on General Government. Referred to House Rules.

SB 5069 - Increases the number of superior court judges in Benton and Franklin Counties jointly.
Position – Request
Status – Passed Senate 49-0. Heard in House Judiciary and Appropriations Committee on General Government. Referred to House Rules.

~~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

SHB 1651 - ~~Provides that juvenile offender records are confidential unless the juvenile has been adjudicated for a sex offense or a serious violent offense. The court may release juvenile records for inspection upon good cause shown. Provides that juvenile offender records may not be published, distributed, or sold. *This bill has significant JIS impact resulting in 4,300 hours of programming time and one-time costs of $518,400 and an annual loss of $19,500 in revenue.* Amended in House to increase the number of crimes that must remain open.~~
Amended in Senate Human Services to mirror SB 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.* A "null and void" clause was added by Senate Ways & Means. $518,000 of JIS Account funding is provided in the House budget.
Position – No position. Concerns regarding JIS impact and costs.
Status – Passed House 97-0. On Senate Floor calendar.

~~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

Bills Affecting AOC Employees and/or Judges

~~SHB 1005~~ - Assesses a $150-$200 yearly fee to political committees, lobbyists, lobbyist employers, government entities, and elected officials that receive a salary and file personal financial disclosure statements.
Position - Not reviewed
Status – Died in House Rules

SHB 1093 - Imposes personal liability, in the form of a civil penalty of $100 per statement, on a state agency director who knowingly fails to file lobbying disclosure statements, in addition to any other civil remedy or sanction imposed on the agency. Establishes a civil penalty on any state agency official, officer, or employee who is responsible for or knowingly directs or expends public funds in violation of lobbying restrictions, and specifies that this penalty must be at least equivalent to the amount of public funds expended in the violation.
Position - Not reviewed
Status – Passed House 97-1. Heard in Senate Governmental Operations and referred to Senate Rules.

HB 1266 - Instead of requiring that a district court judge must retire from office at the end of the calendar year in which the judge reaches the age of 75, the judge is allowed to serve until the expiration of the judge's term of office.
Position – Support. DMCJA request
Status – Passed House 98-0. Heard in Senate Law & Justice and referred to Senate Rules.

SB 5046 - Instead of requiring that a district court judge must retire from office at the end of the calendar year in which the judge reaches the age of 75, the judge is allowed to serve until the expiration of the judge's term of office.
Position – Support. DMCJA request
Status – Passed Senate 48-0-1. Passed House 92-0.

SSB 5577 - Knowing acquiescence by a supervisor in the ethics violation of an employee is made an ethics violation. A state employee who files an ethics complaint must be afforded whistleblower protection and receive protection from retaliation. Every state officer and employee must attend an approved ethics training within 60 days of employment and at least every three years thereafter. Amended in committee to apply to executive branch employees.
Position – Not Reviewed
Status – Passed Senate 47-0. Heard in House Government Operations & Elections and referred to Rules.

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 – ESB 5860 passed the Senate 47-2 and was heard in House Judiciary and Appropriations General Government. HB 2024 was heard in Appropriations General Government. Both bills referred to House Rules.

~~SB 5867~~ – Reduces the size of the Supreme Court from 9 to 5 by lottery (drawing straws.)
Position – Not currently reviewed. Presumably opposed.
Status – Died in Senate Law & Justice.

Elections

HB 1195 – The provisions that prohibit a primary election in an odd-numbered year to fill a vacancy in any office that is scheduled to be voted upon for a full term in an even-number year are repealed. Amended in the House to expand the requirement that no primary be held when there are no more than two candidates filing for office to include all nonpartisan offices. Amended in Senate Governmental Operations to include a requirement of prepaid postage for ballots. Amended in Senate Ways & Means to remove the Governmental Operations' amendment.
Position – Oppose
Status – Passed House 96-1. Referred to Senate Rules.

~~HB 1211~~ - Requires the Secretary of State to print and distribute a voters' pamphlet for the primary in even-numbered years and for the general election each year.
Position – Support
Status – Died in House Appropriations

~~HB 1386~~ - Requires a superior court judge to be a qualified voter in a county served by the superior court he or she is elected or appointed to.
Position – Watch
Status – Died in House Judiciary

HB 1474 - Requires that the names of the two candidates who receive the most votes in races for the office of justice of the Washington Supreme Court, judge of the court of appeals, judge of the superior court, and the Superintendent of Public Instruction appear on the general election ballot. Amended by Senate Government Operations to require voters' pamphlets. Amended by Senate Ways & Means to remove the Government Operations' amendment.
Position – Oppose
Status – Passed House 97-0. Referred to Senate Rules.

~~HB 1966~~ - No primary may be held for any single position in any nonpartisan office if there are no more than two candidates filed for the position.
Position – Not reviewed but similar to other bills opposed by BJA
Status – Died in House Government Operations and Elections

~~HJR 4207~~ - Amends the state Constitution to modify eligibility requirements for superior court judges in accord with HB 1386.
Position – Watch
Status – Died in House Judiciary

~~SB 5277~~ - Several changes eliminate or modify election administration requirements including requiring that primaries not be held for any nonpartisan position, including judicial positions, if only two candidates filed for the position.
Position – Oppose
Status – Died in Senate Governmental Operations

~~SSB 5637~~ - Requires the Secretary of State to print and distribute a voters' pamphlet for the primary in even-numbered years and for the general election each year. Amended in Senate Ways & Means to be subject to appropriation.
Position – Support
Status – Died in Senate Rules.

Court Security

~~HB 1365~~ - Requires counties, cities, and towns to provide security to district and municipal courts, and to pay the costs associated with courthouse security.
Position – Support. DMCJA Request
Status – Died in House Local Government

~~SHB 1653~~ - Makes an assault offense that is committed in any area used in connection with court proceedings an assault in the third degree offense. Adds a felony "crime against persons" to the list of aggravating circumstances when it occurs in any building that is used in connection with court proceedings. Amended to require courts to develop procedures for notifying the public that an assault offense occurring on the grounds of a court proceeding is a class C felony. (AG request legislation)
Position – Support.
Status – Died in House Appropriations Subcommittee on General Government

~~SB 5240~~ - Requires counties, cities, and towns to provide security to district and municipal courts, and to pay the costs associated with courthouse security.
Position – Support. DMCJA Request.
Status – Died in Senate Law & Justice

ESB 5484 - Makes an assault offense that is committed in any area used in connection with court proceedings an assault in the third degree offense. Adds a felony "crime against persons" to the list of aggravating circumstances when it occurs in any building that is used in connection with court proceedings. Amended in the Senate to clarify that when the building/area is not in use for judicial purposes, the bill does not apply. Further amended in House Public Safety to require notifying signage. (AG request legislation)
Position – Support
Status – Passed Senate 40-9. Passed House 83-10 as amended. Returns to Senate for further action.

Problem Solving Courts

~~SB 5023~~ - Providing for college DUI courts.
Position – Concerns
Status – Died in Senate Law & Justice

SB 5797 - The Legislature respectfully encourages the Supreme Court to adopt any administrative orders and court rules of practice and procedure it deems necessary to support the establishment of effective specialty courts. Any jurisdiction that establishes a specialty court may seek state or federal funding as it becomes available for the establishment, maintenance, and expansion of the specialty courts and for the provision by participating agencies of treatment to participating defendants. Amended in House Judiciary to remove certain provisions, add therapeutic courts, municipal jurisdictions, and a study.
Position – Support
Status – Passed Senate 49-0. Heard in House Judiciary and referred to Rules.

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 1116 - Adopts the Uniform Collaborative Law Act.
Position – Concerns. Support WSBA position of removing sections relating to the regulation of the practice of law. (Issue not corrected in substitute bill.)
Status – Passed House 97-0. Heard in Senate Law & Justice and referred to Rules.

~~HB 1335~~ – Repeals "unnecessary" provisions concerning the Washington State Bar Association.
Position - Watch
Status – Died in House Judiciary. Received a work session 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.
Position – Watch
Status – Died in House Rules.
~~HJR 4205~~ – Requires that all mandatory, regulatory, licensing, and disciplinary functions regarding the practice of law and administration of justice reside exclusively in the Supreme Court.
Position – Watch
Status – Died in House Judiciary. Received a work session in Senate Law & Justice.

HR 4619 – Honoring the life work of Justice Vernon R. Pearson.
Position – Not Reviewed
Status – Adopted by House on February 19th

SSB 5165 - Court commissioners may hear applications and petitions filed in superior court for the purpose of administering antipsychotic medication without consent to a person who has been committed pursuant to the Involuntary Treatment Act. Criminal court commissioners may authorize and issue search warrants and orders to intercept, monitor, or record wired or wireless telecommunications, or for the installation of electronic taps or other devices to include, but not limited to, vehicle global positioning system or other mobile tracking devices, with all the powers conferred upon the judge of the superior court in such matters.
Position – Support
Status – Passed Senate 46-2. Heard in House Judiciary and referred to Rules.

~~SB 5782~~ - Establishing standards for the use of public unmanned aircraft systems.
Position – Concerns/Watch
Status – Died in Senate Law & Justice

Budget

ESSB 5034 – Senate budget reduces Office of Civil Legal Aid by $3 million, Supreme Court by $500,000, Court of Appeals by $1.1 million, and Administrative Office of the Courts by $7.8 million plus $20 million in transfers from the JIS Account. The Superior Court Case Management System upgrade is not funded. The Office of Public Defense is funded and includes a rate increase for contract attorneys. State Law Library and Commission on Judicial Conduct sustain reductions for "administrative efficiencies." Restores state employees' 3% wage reduction.
Position – Oppose
Status – Passed Senate 30-18-1

The House striking amendment on the budget funds the Office of Civil Legal Aid, funds the Office of Public Defense and expands the parents' representation program, and funds the Court of Appeals, Supreme Court, Law Library, and Judicial Conduct Commission. In the AOC budget, funding for BECCA/truancy and the Office of Public Guardianship is curtailed. Funding is provided for a video remote interpretation pilot. Funding is also provided for Judicial Information Systems projects including the SC-CMS, but some conditions are required. State employees' wage reduction is restored.
Position – Support, with some changes
Status – Heard in House Appropriations.