WASHINGTON
COURTS

April 26, 2019

TO: Judicial Information System Committee Members

FROM: Dory L. Nicpon, Associate Director, Judicial and Legislative Relations

RE: Legislative Update

2019 Legislative Session -- Cutoff Calendar

Consistent with the cutoff date for chamber of origin (March 13), only bills that have passed out of their chamber of origin and transferred to the opposite chamber remain eligible for further consideration this legislative session. In order to advance for further consideration, bills must pass out of the opposite chamber by April 17. Bills that were amended by the opposite chamber will return to the chamber of origin for concurrence.

Board for Judicial Administration (BJA) Legislative Priorities

As previously reported, the BJA identified its priorities for 2019 to include:

Court Technology Projects: The judicial branch is successfully implementing major modernization projects for all court levels and needs continued funding to deliver the projects and support them after delivery. These technology needs were described to the legislature in funding requests called decision packages.

Language Access/Interpreter Services: Courts need adequate funding for qualified interpreters to maximize courthouse efficiency and ensure access to justice for individuals who are deaf, hearing impaired, or who have limited English proficiency. The judicial branch submitted a funding request to the legislature to increase the amount available for interpreter reimbursement.

Education for Judges and Court Staff: Adequate funding is needed for timely and relevant training of judicial officers and court personnel. Such training provides information about implicit bias, cultural competence, best practices in court operations, and changes that impact the judiciary. The judicial branch submitted a funding request to the legislature to increase the amount available for judicial branch education.

Family and Juvenile Court Improvement Program (FJCIP): Early father identification and staff oversight of dependency cases improves outcomes for children and families. Funding is needed to expand the proven strategies of the FJCIP courts, so the judicial branch submitted a funding request to the legislature to increase FJCIP funding.

Guardianship Services: With growing populations of seniors and vulnerable individuals, funding is needed for additional public guardians and to create a regional guardianship monitoring program to support courts in their oversight of guardians. Statutory amendment is needed to adjust the services offered by public guardians. The judicial branch submitted a funding request for guardianship monitoring resources and more public guardians, and the BJA requested legislation to expand the services of public guardians (Representative Christine Kilduff sponsored the BJA's request, House Bill 1329, which is available for floor debate in the Senate as of April 11).

Courthouse Security: Funding and coordination is needed to ensure everyone visiting a courthouse can do so in a safe and secure environment. The BJA is convening a Courthouse Security Task Force in April 2019 to examine needs and opportunities for every trial court to achieve compliance with General Rule 36 by 2025.

Civic Education: Funding and support for civic education in our schools and communities helps emphasize the importance of the rule of law in our democracy.

Domestic Violence Data: A statutory refinement to domestic violence definitions is needed to facilitate more specific data collection and distinguish between intimate partner violence and non-intimate partner violence in order to improve risk assessments. The BJA requested inclusion of the definition refinement in legislation already introduced by Representative Roger Goodman on the topic of domestic violence (House Bill 1517, which is on the consent calendar for the Senate as of April 11).

Legislative Discussions -- Theme of the Session Might be Vulnerable Individuals

Uniform Guardianship, Conservatorship, and Protective Arrangements Act (UGCPAA): Senate Bill 5604 changes Washington's statutes relating to guardianship to align substantially with the UGCPAA.

New Hope Act: Representative Drew Hansen has sponsored a bill called the New Hope Act (House Bill 1041), which: 1) modifies the process for an offender to receive a certificate of discharge; and 2) expands the circumstances in which an offender may have a conviction vacated.

Mental/Behavioral Health: Several recent committee work sessions and public policy discussions concern mental and behavioral health issues, increasing demand for mental health services, opioid use disorder, and the *Trueblood* settlement.

Specific Bill of Import for the Judiciary

5017 -- Concerning the uniform unsworn declarations act.

In 2014, a multi-agency effort introduced new language in RCW 9A.72.085 regarding standards for subscribing to an unsworn statement. This RCW is now referenced in court rule and on court forms, which are foundational for many e-filings within the judicial branch. This bill includes a repeal of RCW 9A.72.085. AOC staff identified significant potential ramifications from this repeal and engaged with Washington State Patrol (WSP), Washington Association of Sheriffs and Police Chiefs (WASPC), Washington Association of Prosecuting Attorneys (WAPA), counties, cities, the Governor's staff, legislative members and staff, Department of Licensing (DOL), and the Washington Traffic Safety Commission (WTSC). AOC requested that the legislature not repeal RCW 9A.72.085. The legislature denied that request because it wants to consolidate all language regarding unsworn declarations in chapter 5.50 RCW.

The Governor's staff has suggested amendments intended to address executive branch (WSP, WASPC, WAPA, DOL, WTSC) impacts. In order to avoid operational impacts within the judicial branch, AOC has requested an effective date for the repeal of RCW 9A.72.085 that is sufficiently delayed as to afford the courts an opportunity to adjust court rules and forms (e.g., October 2021). The Chief Justice and Governor discussed this bill during their quarterly meeting on April 3.

AOC staff remain concerned about this repeal triggering a need to adjust statutory references to RCW 9A.72.085 and may urge the judicial branch to consider adopting court rules and forms about standards for subscribing to an unsworn statement without statutory references.

Topics of Recurring BJA Engagement with the Legislature

The BJA has discussed concerns and collaborated with public policy makers regarding amendments to legislation where the bill language under debate raised concerns related to the administration of justice, including: judicial independence/separation of powers; courts should not be revenue collectors; and judicial branch entities should not be funded by fees.