WASHINGTON
COURTS

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TO: Judicial Information System Committee (JISC) Members

FROM: Dory Nicpon, AOC Associate Director, Judicial and Legislative Relations

RE: Legislative Update

In an even-numbered year, the bills introduced but not passed in the prior odd-numbered (long) session are reintroduced and viable. Legislators may introduce entirely new bills as well. In the 2020 session, there have been an extraordinary number of new bills: 1,164 new bills in the first ten days of the short session.

A small team at AOC reviews each new bill, determines whether AOC should analyze and track it, and assigns the necessary analysts. For bills with concerning language or significant impacts, escalation protocols are used to inform legislative or fiscal engagement.

The last day of the 2020 regular session is March 12, 2020. The default effective date for legislation passed this session will be June 11, 2020.

2020 Legislative Session

New bills of interest to the judiciary this session include:

2567/6522 (Courts/arrests): This bill restricts civil arrest of an individual going to, or returning from, a court facility. Except in specific circumstances, it prohibits judges, court staff, prosecutors, and prosecutors' staff from: 1) inquiring into, or collecting, immigration or citizenship information; and 2) providing non-publicly available personal information to federal Immigration and Customs Enforcement (ICE), or notifying ICE of an individual's presence at court facilities. The bill requires court security staff to collect information regarding state and federal law enforcement officers and actions at courthouses, and report the information to the Administrative Office of the Courts (AOC) to publish it.

2793 (Vacating convictions/Clean Slate Act): This bill requires the AOC to send sentencing courts periodic reports of convictions that may meet statutory criteria for vacation. Sentencing courts must conduct hearings to review vacation-eligibility of convictions identified in the periodic AOC report. If the court does not vacate the conviction upon administrative review, then the court must set the conviction for a show cause hearing. The AOC and one county must pilot the administrative review process from July 1, 2021 through June 30, 2022, then implement statewide. The AOC must submit implementation plans and other reports to the Governor and Legislature.

6438/2703 (Public Records Act/courts and court offices): This bill modifies the definition of "agency" for purposes of the Public Records Act (PRA) to include a court and an office within the judicial branch. It modifies the definition of "public record" for purposes of the PRA to include a "court case files and judicial records." NOTE: The Senate version of this bill received a public hearing, but did not advance out of committee by the applicable cutoff date. The House version did not receive a public hearing. So, it appears that this bill will not advance.

6287 (Guardianship/conservatorships [UGA trailer bill]): This bill makes adjustments to the Uniform Guardianship, Conservatorship, and Other Protective Arrangements Act (UGA), which was enacted in 2019 and scheduled to take effect on January 1, 2021.

5450 (Adding superior court judges): This bill was introduced at the request of the BJA to add two superior court judge positions: one in Clark County and one in the tri-county judicial district for Ferry, Pend Oreille, and Stevens Counties.

Ongoing Activities

In addition to continuing to engage with legislators regarding pending legislation, the Board for Judicial Administration (BJA) Legislative Committee will begin preparations for legislative implementation and advancement of any BJA request legislation for the 2021 session.