WASHINGTON COURTS

ADMINISTRATIVE OFFICE OF THE COURTS

February 24, 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 House and Senate have returned to holding committee hearing and floor action in person; however, they have retained the opportunity to testify on bills remotely.

Important Upcoming Dates:

Friday, February 17 is the last day for bills to be voted out of their policy committees, unless the bill is in the House fiscal committees, Senate Ways & Means Committee, or Transportation committees.

Friday, February 24 is the last day for bills to be voted out of the House fiscal committees, Senate Ways & Means Committee, or Transportation committees.

Wednesday March 8 is the house of origin cutoff. Bills must be voted out of their chamber of origin by 5pm.

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.
  - Referred to House Rules Committee
- **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.
    - Voted out of the House (96-0-2); Referred to Senate Law and Justice Committee
- **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.
    - Voted out of the Senate (49-0); Referred to House Civil Rights & Judiciary Committee
- **SB 5128/HB 1598-** 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.
    - [HB 1598] Filed 01/26/2023; Referred to House Civil Rights & Judiciary Committee
    - [SB 5128] Heard in the Senate Ways & Means Committee on 01/31/2023

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

- **SB 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.
    - Heard in the Senate Ways & Means Committee on 01/31/2023
    - BJA Signed-in 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.

    - Placed on Senate floor calendar
    - 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.
    - 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.
    - BJA & AOC Signed-in Pro

Legislative Topics of Interest to the Judiciary in 2023

This session the legislature has focused on bills that address homelessness, legal financial obligations, and the Blake decision.

There are several pieces of legislation of interest to the judiciary:

- **HB 1432**/**SB 5474**- Concerning juvenile justice
    - Prime Sponsor: Representative Farivar and Senator Frame
    - Summary: Eliminates legal financial obligations for juveniles.
- **HB 1492**- Providing relief for persons affected by State v. Blake
    - Prime Sponsor: Representative Simmons
    - Summary: Expands definition of LFO and what can be reimbursed under *Blake.*
- **HB 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.
- **SB 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.

- **SB 5434-** Concerning the jurisdiction of juvenile court
  - Prime Sponsor: Senator Trudeau
  - Summary: Increases the minimum age of juvenile court jurisdiction; increases the maximum age of incapacity; establishes that children ages 8 through 13 charged with murder in the first or second degree are presumed incapable of committing the crime; and creates a Raise the Age Juvenile Justice Task Force to consider and provide recommendations regarding implementation of juvenile jurisdiction expansion.
- **SB 5467/HB 1613-** Encouraging treatment for possession of certain counterfeit drugs or controlled substances
  - Prime Sponsor: Senator Salomon and Representative Rule
  - Summary: Makes knowingly possessing a counterfeit substance a gross misdemeanor; requires peace officers to include time and place to appear in court on notice to appear; vacates convictions with proof of completion of a use disorder program.
- **SB 5536-** Concerning controlled substances, counterfeit substances, and legend drug possession and treatment
  - Prime Sponsor: Senator Robinson
  - Summary: Makes knowingly possessing a controlled substance a gross misdemeanor, encourages prosecutor to divert cases to treatment services, court must advise defendant of available pretrial diversion programs, and vacates convictions with proof of completion of a use disorder program.
- **SB 5644/HB 1769-** Concerning juvenile records
  - Prime Sponsor: Senator Frame and Representative Cortes
  - Summary: Explains that all records relating to the commission of juvenile offenses are confidential; requires courts to provide written notice to individuals whose records are sealed that includes an explanation of what it means to have a sealed juvenile record; creates a cause of action where various legal and government entities that disseminate sealed or destroyed juvenile records may be sued for damages by the subject of those records; provides individuals whose records are eligible for sealing with access to an attorney, if necessary.
- **SB 5707-** Establishing a housing court pilot program
  - Prime Sponsor: Senator Kuderer
  - Summary: Creates a housing court pilot program in courts of limited jurisdiction; tasks the administrative office of the courts with facilitating the creation and implementation of this pilot program.

cc: Dawn Marie Rubio, State Court Administrator
Haily Perkins, Court Program Analyst