WASHINGTON COURTS

ADMINISTRATIVE OFFICE OF THE COURTS

April 26, 2024

TO: Judicial Information System Committee (JISC)

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

RE: 2024 Legislative Update

2024 Legislative Session

The 2024 Legislative session concluded on March 7.

2024 AOC Agency Request Legislation

The Administrative Office of the Courts (AOC), on behalf of the Board for Judicial Administration (BJA), filed six agency request bills in the 2024 legislative session. Five of which successfully passed and were signed into law.

- HB 1992 / ~~SB 5827~~: Additional judicial position in Whatcom County Superior
  - Primary Sponsor: Representative Timmons
  - Summary: This bill creates an additional superior court judicial position for Whatcom County to work on the water rights adjudication filed by the Department of Ecology. Changes the number of Whatcom County Superior Court judges in statute from four to five.
  - Last Action: This bill was signed by the Governor on 3/15; Chapter 112, 2024 Laws

- ESSB 5828 / ~~HB 1993~~: Statutory Commissioner/Referee Authority
  - Primary Sponsor: Senator Shewmake
  - Summary: This bill creates a superior court commissioner position in Whatcom County. This position was already funded in the 2023-2025 biennium budget and the commissioner will work on the water rights adjudication proceedings filed by the Department of Ecology. It also authorizes the court's use of a referee in a water adjudication without party consent or application.
  - Last Action: This bill was signed by the Governor on 3/26; Chapter 268, 2024 Laws

- HB 2006: Concerning court interpreters
  - Primary Sponsor: Representative Peterson

- Summary: This bill changes Washington state statute to be compliant with the Department of Justice (DOJ) policy interpretations of Title VI; updates statutory language to align with operations conducted by AOCs Court Interpreter Credentialing program; updates statutory language to align with operations conducted by AOCs Court Interpreter program; updates the policy regarding the Language Access and Interpreter Reimbursement Program (LAIRP) to allow more robust funding to courts resulting from the increased resources made available after the success of the BJA's Interpreter Services Funding Taskforce.
- Last Action: This bill did not make it out of the House Rules Committee.
- Note: The interpreter funding shift to authorize reimbursement up to 100% of costs was included in a budget proviso in SB 5950.

- HB 2034 / ~~SB 5833~~: Notice of Court Reorganization
  - Primary Sponsor: Representative Cheney
  - Summary: This bill requires counties and cities to provide one-year written notice to the Administrative Office of the Courts (AOC) with changes to court services, court technology services, and/or court vendors. This notification is in addition to the notice that they provide to the party with which they are terminating service. It also requires cities to provide six months written notice to AOC for the establishment or termination of a municipal court.
  - Last Action: This bill was signed by the Governor on 3/13; Chapter 61, 2024 Laws

- SHB 2056 / ~~SB 5848~~: Supreme Court Bailiff information sharing & limited investigative authority
  - Primary Sponsor: Representative Goodman
  - Summary: This bill creates limited investigative authority for the Supreme Court bailiffs, so that they can access criminal history and non-conviction data to properly assess security threats and communicate with law enforcement.
  - Last Action: This bill was signed by the Governor on 3/26; Chapter 303, 2024 Laws

- SB 5836: Additional judicial position in Clark County Superior
  - Primary Sponsor: Senator Wilson
  - Summary: This bill creates an additional superior court judicial position for Clark County. Changes the number of Clark County Superior Court judges in statute from eleven to twelve. This request was supported by the latest Judicial Needs Estimate (JNE).
  - Last Action: This bill was signed by the Governor on 3/15; Chapter 125, 2024 Laws

Legislative Topics of Interest to the Judiciary in 2024

The focus this legislative session was on bills addressing the attorney shortage and increasing resources for the Office of Public Defense (OPD; SHB 1911, 2SSB 5780, SB 5781, SB 5916); increasing support for parents and children going through the dependency process (SB 6068, SB 6109); discussing and restricting the use of artificial intelligence (AI; HB 1951, SB 5838); and juvenile justice (E2SHB 2065, SHB 2217, ESSB 5974).

BJA Positions Taken

Prior to the start of session, the BJA chairs sent a letter supporting the OPD funding request and efforts addressing attorney shortages. In addition, the BJA Legislative Committee discussed and voted to formally take a position on the following bills this session:

- 2SSB 5780: Encouraging participation in public defense and prosecution professions
  - Primary Sponsor: Senator Torres
  - BJA Supported
  - Summary: This bill encourages participation in public defense and prosecution professions.
  - Last Action: This bill was signed by the Governor on 3/26; Chapter 293, 2024 Laws

- SHB 1911: Concerning activities in which the office of public defense may engage
  - Primary Sponsor: Representative Taylor
  - BJA Supported
  - Summary: This bill is regarding activities in which OPD may engage without violating the prohibition on providing direct representation of clients.
  - Last Action: This bill was signed by the Governor on 3/26; Chapter 294, 2024 Laws

- SB 6063: Modifying the definition of persistent offender
  - Primary Sponsor: Senator Frame
  - BJA Supported
  - Summary: This bill requires resentencing hearings for persistent offenders with an underlying conviction for a most serious offense committed prior to the person turning 18 years old, and modify the definition of persistent offender by excluding convictions for a most serious offense that occurred when the person was under the age of 18.
  - Last Action: This bill did not pass out of Senate Rules.

- SB 6073: Concerning the use of artificial intelligence language learning models in official court filings
  - Primary Sponsor: Senator Padden

  - BJA Opposed
  - Summary: This bill requires parties to disclose the use of generative AI when conducting legal research or drafting documents for court filing.
  - Last Action: This bill did not pass out of its policy committee in its chamber of origin.

- SSB 6146: Concerning tribal warrants.
  - Primary Sponsor: Senator Dhingra
  - BJA Supported
  - Summary: This bill creates processes for state law enforcement officers to enforce tribal arrest warrants, and accompanying procedures for state courts in specified circumstances. Creates processes for state law enforcement officers and places of detention to deliver tribal fugitives to a requesting tribal authority, and accompanying procedures for state courts in specified circumstances.
  - Last Action: This bill was signed by the Governor on 3/19; Chapter 207, 2024 Laws

BJA Legislative Committee Next Steps

- The Board for Judicial Administration (BJA) will begin soliciting proposals for the 2025 legislative session soon.
  - Proposals will be due mid-July.

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