WASHINGTON COURTS

ADMINISTRATIVE OFFICE OF THE COURTS

February 28, 2025

TO: Judicial Information System Committee (JISC)

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

RE: 2025 Legislative Update

2025 Legislative Session

The 2025 legislative session began on January 13, 2025. We are almost halfway through session at this point.

Last Friday, February 21 was policy cutoff for the bills in their chamber of origin.

Today, Friday, February 28 is the last day for bills to be voted out of the House fiscal committees, Senate Ways & Means, and Transportation committees.

Wednesday March 12 is the house of origin cutoff. Bills must be voted out of their chamber of origin by 5pm. Bills will then have to repeat the same process in the opposite chamber.

Wednesday, April 2 is the last day for bills to be voted out of policy committees in the opposite chamber.

Tuesday, April 8 is the last day for bills to be voted out of the House fiscal committees, Senate Ways & Means, and Transportation committees.

Wednesday, April 16 is opposite chamber cutoff. Bills must be voted out of the opposite chamber by 5pm.

Sunday, April 27 is the last day of the regular session.

2024 AOC Agency 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 2025 legislative session.

SHB 1144: Request for Additional Superior Court Judicial Positions

- Requests an additional superior court judicial position in Skagit County Superior Court. This will increase the current four judges to five (RCW 2.08.063). The request is

supported by the most recent Judicial Needs Estimate (JNE) and Skagit County Board of Commissioners.
- Prime Sponsor: Representative Debra Lekanoff
- Amended in Appropriations to add a null and void clause.
- Referred to House Rules.

SHB 1174: Court Interpreter Statutory Revisions (RCW 2.43)
- Requests changes to Washington statute (RCW 2.43) to be compliant with Federal Department of Justice policy interpretation of Title VI prohibiting a court from imposing interpreter costs on parties in all court proceedings and court-managed programs; update statutory verbiage in order to align with the operations conducted by AOCs Court Interpreter Program and industry best practices; and to provide better access to the courts and court services for individuals regardless of their ability to communicate in English.
- Prime Sponsor: Representative Strom Peterson
- Amended in Civil Rights & Judiciary:
    - Subject to the availability of amounts appropriated for this specific purpose, in all court mandated classes, a person with limited English proficiency is not responsible for the cost of the interpreter if that person is: (1) a party; (2) subpoenaed or summoned; (3) a parent, guardian, or custodian of a juvenile; or (4) compelled to appear.
    - Court-mandated classes do not require the use of court-credentialed interpreters. Where court-mandated classes are provided through a court-contracted outside provider, the contract may require the provider to bear the cost of interpreter services.
- Referred to Appropriations.

HB 1510: Including Appellate Commissioners in PERS Judicial Benefit Multiplier Program
- Adds appellate commissioners to the PERS Judicial Benefit Multiplier (JBM) Program. The JBM is the percentage used, along with service credit years and Average Final Compensation (AFC), to set the retirement benefit. At a minimal expense, this will increase the desirability of serving as a commissioner or deputy commissioner in the appellate court. Appellate commissioners play an important role in the courts' effort to increase access to justice, they handle the initial review of GR 33 and GR 34 applications, handle numerous pro se requests and motions, and work with the court clerks to administer the initial appellate process for all litigants.
- Prime Sponsor: Representative Jamila Taylor
- Referred to Appropriations

SSB 5133: Caregiving as a Mitigating Factor
- This proposal is requesting revision to the statute (RCW 9.94A.535) to recognize caregiver status as a mitigating factor for the court to consider in sentencing. This is believed to be a mitigating factor because the family structure can provide support in rehabilitation for offenders. Failing to recognize ‘caregiving status’ as a mitigating factor

adversely impacts those who generally carry the burden of caregiving, predominately women and families without resources.
- Prime Sponsor: Senator Claire Wilson
- Amended in Law & Justice:
  - Prohibits courts from considering a defendant's caregiver status related to an exceptional sentence below the standard range if the defendant is subject to certain child welfare cases or restraining orders or has previously been convicted of certain crimes.
- Referred to Rules

Legislative Topics of Interest to the Judiciary in 2025

So far this session we have seen and discussed bills related to AI in courts, court centralization, the attorney shortage, juvenile points and resentencing, legal financial obligations, judicial discretion, and even the creation of a new civil protection order for impaired driving.

Bills the Legislative Committee has discussed:
- HB 1125: Providing judicial discretion to modify sentences in the interest of justice (Representative Tarra Simmons)
  - Establishes a process for certain persons convicted of a felony offense to petition the sentencing court for a modification of the original sentence upon meeting specific eligibility criteria. Requires the Office of Public Defense to provide representation for eligible petitioners within existing resources. Requires the Office of Crime Victims Advocacy to establish a flexible fund for certain affected victims, contract with prosecuting attorney's offices to offer related victim advocacy services, and contract with an entity with expertise in victim services to provide related training for victim advocates. Requires the Department of Corrections (DOC) to provide written notice of the petition process to certain incarcerated persons who are or will become eligible to petition, and other relevant entities in the applicable judicial district. Requires the DOC to make an individual reentry plan and the resources necessary to complete the plan available to incarcerated petitioners within six months of their expected release dates from total confinement.
  - Public hearing in Appropriations on 02/22/2025
- HB 1274: Concerning retroactively applying the requirement to exclude certain juvenile convictions from sentencing (Representative Chris Stearns)
  - Expands the list of offenses in which certain juvenile dispositions can be excluded from offender score calculations and makes it retroactive.
  - Amended as it passed out of Community Safety:
    - Modifies the resentencing eligibility criteria by changing the duration of confinement a person currently incarcerated in total confinement must have served by certain modified dates;
    - Permits superior courts to hear petitions outside of the eligibility order prescribed in the bill if the court determines it has capacity; and

        - Removes the prohibition on scheduling resentencing hearings before January 1, 2026.
    - Executive hearing in Appropriations on 02/26/2025
- HB 1362: Creating a gambling treatment diversion court pilot program to be conducted by the administrative office of the courts (Representative Chris Stearns)
    - This bill creates a pilot program for a gambling treatment diversion court. AOC is responsible for running the pilot.
    - Passed out of Civil Rights and Judiciary; referred to Appropriations
- HB 1380: Allowing objectively reasonable regulation of the utilization of public property (Representative Mia Gregerson)
    - Requires that any city or town, code city, or county laws that regulate the acts of sitting, lying, sleeping, or keeping warm and dry outdoors on public property that is open to the public be objectively reasonable as to time, place, and manner. Creates a private cause of action for injunctive or declaratory relief to challenge the objective reasonableness of such a law.
    - Executive session in Appropriations on 02/27/2025
- HB 1426: Creating a civil protection order to prevent impaired driving (Representative Lauren Davis)
    - Creates a civil protection order known as an impaired driving protection order (IDPO) to address individuals at risk of impaired driving. Establishes process for seeking and also issuing IDPO. Allows District Courts jurisdiction to issue temporary orders. Creates penalty for filing false petition.
    - Did not make it out of policy committee this session.
- HB 1460: Concerning protection order hope cards (Representative Dan Griffey)
    - This is a fix bill for the Hope Card Program. AOC worked with Representatives Griffey and Davis to ensure the program defined in statute accurately reflects the current capabilities of AOC to implement and administer the program.
    - Executive session in Civil Rights & Judiciary on 02/21/2025
    - AOC testified in support
- SJM 8006: Concerning the limited license legal technician program (Senator Nikki Torres)
    - This bill asks the Washington State Supreme Court to reinstate the LLLT program. It asks the court to expand the LLLT program to new areas of providing assistance at administrative hearings, and debt collection and eviction proceedings. Also requesting a workgroup to be formed to study and provide recommendations regarding how LLLTs could help defendants in CLJS.
    - Passed out of the Senate (49-0); referred to Civil Rights & Judiciary

BJA Positions Taken

The BJA Legislative Committee discussed and voted to formally take a position on the following bills this session:

- HB 1007: Concerning requisites of notice in small claims actions (DMCJA Request Legislation – Representative Sam Low)

    - Requires a notice of claim for small claims to state that failure to appear may, rather than will, result in default judgment against the defendant.
    - Passed out of the House (93-0-5); referred to Law & Justice
    - BJA voted to support – signed in pro
- HB 1207: Concerning superior court clerk fees (SOS Request Legislation – Representative My-Linh Thai)
    - This bill creates an additional $100 surcharge for certain filing fees collected by clerks of superior courts. Requires each county to establish a county clerk administrative assistance fund into which $65 of the new surcharge must be deposited.
    - Proposed amendment for the executive session in Civil Rights & Judiciary:
        - Reduces the new surcharge from $100 to $80.
        - Increases the state's portion of the new $80 surcharge from $35 to $60.
        - Modifies how the state's portion of the surcharge is allocated and requires that:
            - $20 be deposited in the Public Defense Support Account;
            - $20 be deposited in the Court Interpreter Support Account;
            - $5 be deposited in the Library Archives Building Account; and
            - $15 (rather than $30) be deposited in the Local Government Archives Account.
        - Creates the Public Defense Support Account and the Court Interpreter Support Account in the state treasury to consist of receipts from the $80 surcharge.
    - Public hearing in Appropriations on 02/25/2025
    - BJA voted to oppose – testified in opposition
- HB 1219: Concerning the interbranch advisory committee (Representative Jamila Taylor)
    - This bill removes the sunset date for the Interbranch Advisory Committee.
    - Passed out of State Government & Tribal Relations; referred to Rules
    - BJA voted to support – signed in pro
- HB 1909: Establishing the court unification task force (Representative Jamila Taylor)
    - Establishes the court unification task force to conduct a comprehensive analysis of the current Washington state court system, including the review of the structure, policies, practices, and procedures of the state courts, and identify areas where a more unified or centralized approach to court operations may improve efficiency and uniformity in the delivery of court and judicial services. The task force shall convene by October 1, 2025 and will submit its final report to the legislature with recommendations by June 30, 2027.
    - Passed out of Civil Rights & Judiciary; referred to Appropriations
    - BJA voted to support – testified in support of the interbranch engagement
- SB 5021: Concerning retention of court exhibits (Clerk Request Legislation - Senator Keith Wagoner)
    - This bill is requesting a change in the statute regarding retention of court exhibits – amending from the current six-year retention period to five years.
    - Passed out of the Senate (49-0); referred to Civil Rights & Judiciary

- BJA voted to Support – signed in pro

BJA Legislative Committee Next Steps

The Board for Judicial Administration (BJA) will begin soliciting proposals for the 2026 legislative session in May. Proposals will be due mid-July.

cc: Dawn Marie Rubio, State Court Administrator
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