Board for Judicial Administration
House of Origin Committee Cutoff Report

Current as of Wednesday, February 12, 2014

Today is the 31st day of the 60-day legislative session. Tuesday marked the 2nd major deadline of the session, when bills were required to pass out of the fiscal committees in their houses of origin. Those that did not should be considered dead unless they are deemed "necessary to implement the budget" (NTIB).

The house of origin cutoff is February 18th. Bills, other than budget bills, need to pass from their house of origin by 5 pm. The next week will be devoted largely to "floor action," moving bills from one chamber to the other.

Here are the highlights regarding bills BJA is tracking and other legislation of interest:

BJA Request Legislation

~~HB 2131~~ - Increases the number of superior court judges in Mason County.
Position - Request
Status – Died in House Appropriations General Government & IT.

SB 5981 - Increases the number of superior court judges in Mason County.
Position – Request
Status – Passed Senate 49-0.

SHB 1542 - Requires courts to appoint a certified or registered interpreter at public expense in all legal proceedings in which a non-English-speaking person is a party or is compelled to appear. Requires the state to pay 50 percent of the cost of interpreters beginning in January 2017. Requires courts to track and provide interpreter cost and usage data annually to the Administrative Office of the Courts. (Amended in House Appropriations to remove the 2017 deadline for state funding.)
Position – BJA Request
Status – 2013 - Passed House 54-42. Died in Senate Law & Justice.
2014 – House 3rd Reading Calendar

~~SB 5398~~ - Requires courts to appoint a certified or registered interpreter at public expense in all legal proceedings in which a non-English-speaking person is a party or is compelled to appear. Requires the state to pay 50 percent of the cost of interpreters beginning in January 2017. Requires courts to track and provide interpreter cost and usage data annually to the Administrative Office of the Courts.
Position – BJA Request
Status – Died in Senate Law & Justice

Data Dissemination/Access to Court Records

~~HB 1497~~ - Requests the Washington State Supreme Court to adopt court rules redacting or sealing nonconviction court records and, when technologically and economically feasible, providing a process for removing nonconviction information from public court indices. Prohibits employers and landlords from inquiring into, or receiving information through a criminal history background check, about nonconviction records and rejecting an applicant on the basis of nonconviction records. *This bill has significant JIS impact, resulting in 8,400 to 12,000 hours of programming time and a fiscal note ranging from $1,010,400 to $1,459,200.*
Position – No position
Status – Died in House Judiciary

SHB 1651 - Provides that juvenile offender records are confidential unless the juvenile has been adjudicated for a sex offense or a serious violent offense. The court may release juvenile records for inspection upon good cause shown. Provides that juvenile offender records may not be published, distributed, or sold. Amended in House Appropriations General Govt. & IT to take effect upon completion of SC CMS project, removing significant JIS impact.
Position – No position. (Prior - Concerns regarding JIS impact and costs.)
Status – House 2nd Reading Calendar

~~SB 5341~~ - Requests the Washington State Supreme Court to adopt court rules redacting or sealing nonconviction court records and, when technologically and economically feasible, providing a process for removing nonconviction information from public court indices. Prohibits employers and landlords from inquiring into, or receiving information through a criminal history background check, about nonconviction records and rejecting an applicant on the basis of nonconviction records. *This bill has significant JIS impact, resulting in 8,400 to 12,000 hours of programming time and a fiscal note ranging from $1,010,400 to $1,459,200.*
Position – No position
Status – Died in Senate Law & Justice

~~2SSB 5689~~ - Court records and public court indices containing nonadjudication or nonconviction information relating to the commission of juvenile offenses are restricted from public access. Nonadjudication or nonconviction information means information contained in records collected by the courts relating to arrest, probable cause hearings, citation, and charges that did not lead to an adjudication; charges resulting in a dismissal or acquittal; and charges dismissed pursuant to a diversion or deferred sentence. Access by agencies for research purposes, as provided elsewhere in statute and expressly permitted for sealed juvenile records is allowed. *This bill requires significant changes to JIS, resulting 8,400 to 12,000 hours of programming time and one-time costs ranging from $1.1 million to $1.4 million.*
Position – No position
Status – Died in Senate Rules

~~SB 6403~~ – Requires juvenile offender records be available for bulk distribution through JIS and on the public website.
Position – Watch
Status – Died in Senate Human Service & Corrections

~~SB 6469~~ – Requires sealing of juvenile records at disposition under certain conditions.
Position – Not Reviewed
Status – Died in Senate Human Service & Corrections

Bills Affecting AOC Employees and/or Judges

~~HB 2128~~ – Exempts GPS data that shows the residence of an employee or agent of a criminal justice agency from public disclosure.
Position – Support
Status – Died in House Govt. Operations

~~HB 2601~~ – Provides that a municipal court may only be terminated at the end of the term of the judge(s) of that court. DMCJA request legislation.
Position – Support
Status – Died in House Judiciary.

~~ESB 5860~~ - The Attorney General is not required to institute legal actions on behalf of Superior Court judges unless requested to do so by the Administrator for the Courts. Amended by the Senate to require AOC to bear half the legal costs and to institute a 90-day notice requirement and a 120-day period for alternative dispute resolution. Amended by House Judiciary to provide that the Attorney General is not required to institute actions over funding on behalf of superior court judges. ~~HB 2024~~ applies the same restrictions to all state officers.
Position – Oppose
Status – 2013 - Passed Senate 47-2. 2014 – Reintroduced and retained in present status.

~~SB 5867~~ – Reduces the size of the Supreme Court from 9 to 5 by lottery (drawing straws.)
Position – Watch
Status – Died in Senate Law & Justice.

SB 6012 – Prohibits the WSBA from charging a fee for judicial membership.
Position – Watch
Status – Senate Rules

SB 6088 - Reduces the size of the Supreme Court to 7 by attrition.
Position – Watch
Status – Senate Rules

SB 6305 – Creates a defined contribution retirement plan for elected officials. *Judges were removed via amendment in Senate Ways & Means.*
Position – Oppose
Status – Senate Rules

SB 6459 – Redefines compensation for use in calculating retirement benefits for elected service. *Amended to use the highest average over a consecutive 60 month period of elected service; all periods were used in the original bill.*
Position – Oppose
Status – Senate Rules

Elections

~~HB 2525~~ – Provides public funding for Supreme Court campaigns using a portion state bar association membership dues as a funding source.
Position – Watch
Status – Died in House Govt. Operations

SJR 8215 – Amends the state constitution so that only persons who are qualified voters in a county are elected or appointed to the office of judge for superior court of that county.
Position – No Position
Status – Senate Rules

Problem Solving Courts

SHB 2556 – Consolidates authorizing statutes for problem solving courts and implements the recommendations from the workgroup created by SB 5797 (2013).
Position – Support
Status – House Rules

Other

~~SHB 1098~~ – Amends professional conduct requirements of bail bond agents. Requires a court to notify the Administrative Office of Courts when the court revokes or reinstates the justification or certification of a bail bond agent to post bonds in the court.
Position - Support
Status - Passed House 92-0-6. Died in Senate Law & Justice.

SHB 1771 - Requires approval before public agencies can obtain a public unmanned aircraft system. Allows a public unmanned aircraft system to be operated, or information gained therefrom, to be disclosed pursuant to a judicial search warrant, if the use is not regulatory enforcement and is reasonably determined to be unlikely to collect personal information, or in an emergency. Includes reporting requirements similar to those for wiretaps. See also SB 5782 and SB 6172 regarding "drones."
Position – Watch
Status – House Rules.

HB 2111 – Removes the requirement that a citation issued by Sound Transit conform to the general requirements for a notice of civil infraction. See also SB 5961.
Position – Concerns
Status – House 2nd Readign Calendar

~~HB 2399~~ – Establishes a "certificate of restoration of opportunity," which can be sought by a person with a criminal record to eliminate any professional bar imposed solely as a result of the conviction.
Position – Watch
Status – Died in House Public Safety

~~HB 2497/SB 6249~~ – Increased certain fees to partially fund indigent defense services.
Position - Watch
Status – Died in fiscal committees.

~~HB 2751~~ – Creates the "Restitution First Act" and alters how legal financial obligations may be imposed and collected.
Position – Not yet reviewed
Status – Bill died in House Judiciary. Work session in House Public Safety.

SSB 5020 - The definition of indigent and able to contribute is changed to mean a person who, at any stage of a court proceeding, meets the criteria for indigency, but who is also found to also have available funds to pay a portion of the anticipated cost of counsel.
Position – Watch
Status – Senate Rules

2SSB 6126 – Requires an attorney be appointed for children in dependency proceedings at the expense of the county. Subject to funds appropriated, the state may reimburse up to one-half the cost. See also HB 1285.
Position – Not reviewed
Status – Senate Rules

Budget

HB 2185/SB 6002 – Making supplemental operating appropriations. Contains Supreme Court budget submission for judicial branch.
Position – Support as drafted for judicial branch budget.
Status – Appropriations/Ways & Means