

**Recommendations from the Criminal Sentencing Task Force 2020 Report
And Related Legislation from the 2021 Session**

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RECOMMENDATION 2 Provide incentives for counties to increase the use of alternatives to incarceration.	NA
RECOMMENDATION 3 Assess and consider removing Sentencing Reform Act (SRA) barriers to alternatives to incarceration, such as barriers to therapeutic courts—recognizing the need for accountability for severe harm.	NA
RECOMMENDATION 4 Require an equity analysis of the impacts of proposed changes to the criminal justice system to assess the potential to exacerbate racial, socio-economic, or geographic disparities before such changes are adopted.	Budget Proviso for OFM: By July 1, 2022, the office of financial management must submit a report to the governor, appropriate committees of the legislature, and statutory commissions that details recommendations on: (i) The procedure for providing an equity impact statement for legislative proposals; (ii) The format and content requirements for the equity impact statement; (iii) A plan, including information technology additions or revisions, necessary to provide equity impact statements; (iv) Recommendations on which office or agency should be principally responsible for coordinating the provision of equity impact statements with state agencies; and (v) Recommendations on any policy changes needed to implement the provision of equity impact statements.
RECOMMENDATION 5 Adopt treatment-oriented public health options to address problematic drug use, including expansion of therapeutic interventions to respond to offenses associated with drug use—recognizing the need for accountability for severe harm.	ESB 5476 – Delivered to Governor Using or manufacturing drug paraphernalia is not illegal to the extent the drug paraphernalia is for personal use. A person who would otherwise be subject to arrest for possession of a controlled substance, counterfeit substance, legend drug, or 40 grams or less of marijuana shall be offered referral for assessment and services by law enforcement in lieu of jail booking and referral to a prosecutor. If a person has been diverted on two previous occasions, law enforcement is not required to make additional diversion efforts. The Health Care Authority (Authority) is required to establish a substance use recovery services advisory committee. The Authority must appoint members to the committee

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	who have relevant background related to the needs of persons with substance use disorders and be reflective of the community of individuals living with substance use disorders. The committee shall include four legislative members representing each of the two largest caucuses of the House of Representatives and the Senate. The committee shall establish a substance use recovery services plan with a preliminary report due on December 1, 2021, and the final report due on December 1, 2022. The plan shall be implemented by December 1, 2023. Subject to appropriation, the Authority shall create a grant program to provide treatment services to low-income individuals, establish an expanded recovery support services program to increase access to services for individuals in recovery from substance use disorder, and establish a homeless outreach stabilization transition program. Each Behavioral Health Administrative Services Organization (BHASO) must establish a recovery navigator program that provides community-based outreach, intake, assessment, and connection to services to youth and adults with substance use disorders. The Authority must provide funding to each BHASO for the recovery navigator programs, subject to appropriation.
RECOMMENDATION 6 Identify and implement public health options for addressing conduct that endangers public safety to which mental health or cognitive conditions or brain injuries are a factor. An important step toward realizing this goal would be to establish a mental health sentencing alternative.	SB 5293 – Delivered to Governor A mental health sentencing alternative (MHSA) is created, which allows a sentencing court to waive the standard range and impose a term of community custody if: • the defendant is convicted of a felony which is not a serious violent offense or a sex offense; • the defendant is diagnosed with a serious mental illness; • the defendant and the community would benefit from supervision and treatment; and • the defendant is willing to participate in the sentencing alternative.

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RECOMMENDATION 7 Create meaningful opportunities for pre- and post-arrest diversion, resentencing, and record sealing for individuals who committed crimes due to coercion by an abuser, and against or at the behest of an abuser. • Allow prosecuting attorneys and judges to reduce prison sentences and redirect sentencing from incarceration to community-based programs, which has proven far more effective in rehabilitating survivors; • Permit currently incarcerated survivors to apply for resentencing and earlier release due to their prior victimization; and • Create process for record sealing.	Budget Proviso for OFM: The office of financial management shall conduct a feasibility study and make recommendations regarding the establishment of a system for streamlining the vacation of criminal conviction records. The office of financial management shall submit a preliminary report of findings and recommendations to the governor and the appropriate committees of the legislature by December 1, 2022, and a final report by June 30, 2023. ESSB 5180 – Delivered to Governor Brief Summary of Engrossed First Substitute Bill: Establishes a process for applying to vacate convictions for offenses that were committed as a result of being a victim of sex trafficking, prostitution, commercial sexual abuse of a minor, sexual assault, or domestic violence. HB 1293 – Did Not Pass Brief Summary of Bill: • Establishes a sentencing alternative for survivors of domestic violence and authorizes the sentencing court to impose the sentencing alternative or a reduced sentence on a qualifying person. • Authorizes the sentencing court to resentence a person or vacate a person's record of conviction on the basis that the person is a survivor of domestic violence.
RECOMMENDATION 8 (Partial Consensus) Request the Sentencing Guidelines Commission (SGC) to develop a proposal to move all statutes associated with felony criminal penalties from Chapter 69.50 RCW to Chapter 9.94A RCW.	NA

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RECOMMENDATION 9 Request the SGC to develop a proposal to consolidate all statutes associated with felony criminal penalties into Chapter 9.94A RCW.	NA
RECOMMENDATION 10 Encourage court systems that coordinate or are compatible to adopt a unified filing system.	NA
RECOMMENDATION 11 Pre-Sentence Investigations: • Modify statute to increase the occasions when a Pre-Sentence Investigation (PSI) can be requested by Superior Court judges. • More information earlier in the process allows for better tracking and would help judges sentence appropriately. • Relocate the duty to complete PSIs from DOC to a state-funded unit within the Superior Court. The Courts should work with all PSI stakeholders to reduce differences among forms and make the form inclusive to the needs of all stakeholders. • Increase cultural competency of persons conducting PSIs to reduce disproportionality, reduce subjective language, and collect as much relevant information as possible from persons of different cultures. • Remove the sentencing recommendation portion from the PSI form. • Review approaches and tools in PSI risk assessment and recommend ways to make risk assessment information uniform, accurate, and consistent, and address potential bias and/or disparities and predictability	NA

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RECOMMENDATION 12 Eliminate the protected zone enhancement (RCW 9.94A.533(6) and RCW 69.50.435).	SHB 1169 – Did Not Pass Brief Summary of Substitute Bill: • Eliminates the sentencing enhancement for certain controlled substances violations committed in protected zones, as well as the sentencing enhancement for involving a minor in a criminal street gang-related felony. • Removes the requirement that a court order multiple firearm or deadly weapons enhancements to be served consecutively, and instead leaves the matter within the discretion of the court. • Provides a process for resentencing persons who are currently serving a sentence that includes multiple, consecutive firearm enhancements. • Removes current law restrictions on partial confinement and earned early release for sentencing enhancements and applies the changes retroactively to all incarcerated persons.
RECOMMENDATION 13 Firearm and Deadly Weapon Enhancements: • Eliminate mandatory stacking of firearm and deadly weapon enhancements going forward (prospective only). Specifically, provide that multiple firearm or deadly weapon enhancements imposed for offenses (occurring after the effective date of the act) are to be served concurrently, unless the court orders the enhancements to be served consecutively, using judicial discretion. • Eliminate the requirement for firearm and deadly weapon enhancements to be served in total confinement (prospective and retroactive), thereby subjecting that portion of a sentence to the general restrictions and requirements on confinement options. • Eliminate the restriction on the application of earned early release time for firearm and deadly weapon enhancements	SHB 1169 – Did Not Pass Brief Summary of Substitute Bill: • Eliminates the sentencing enhancement for certain controlled substances violations committed in protected zones, as well as the sentencing enhancement for involving a minor in a criminal street gang-related felony. • Removes the requirement that a court order multiple firearm or deadly weapons enhancements to be served consecutively, and instead leaves the matter within the discretion of the court. • Provides a process for resentencing persons who are currently serving a sentence that includes multiple, consecutive firearm enhancements. • Removes current law restrictions on partial confinement and earned early release for sentencing enhancements and applies the changes retroactively to all incarcerated persons. HB 1282 – Did Not Pass Brief Summary of Substitute Bill:

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(prospective and retroactive). This will allow the Department of Corrections to implement the retroactive application of these changes for those currently incarcerated over a six-month period. • Allow incarcerated individuals and prosecutors to petition for “de-stacking” where inordinately long sentences were given, requiring Legislative funding for the involved parties to deal with resentencing.	• Modifies earned release time provisions to allow aggregate earned release time of up to one-third of the sentence for all categories that qualify for earned time. • Removes the current law prohibition on earned release time for firearm, deadly weapon, sexual motivation, and impaired driving enhancements. • Allows earned release time to accrue during mandatory minimum terms. • Applies changes to earned release time prospectively and retroactively, and requires the Department of Corrections to recalculate earned release dates for those currently incarcerated.
RECOMMENDATION 14 Eliminate the street gang enhancement (RCW 9.94A.533(10)(a)).	SHB 1169 – Did Not Pass Brief Summary of Substitute Bill: • Eliminates the sentencing enhancement for certain controlled substances violations committed in protected zones, as well as the sentencing enhancement for involving a minor in a criminal street gang-related felony. • Removes the requirement that a court order multiple firearm or deadly weapons enhancements to be served consecutively, and instead leaves the matter within the discretion of the court. • Provides a process for resentencing persons who are currently serving a sentence that includes multiple, consecutive firearm enhancements. • Removes current law restrictions on partial confinement and earned early release for sentencing enhancements and applies the changes retroactively to all incarcerated persons.
RECOMMENDATION 15 Move subsequent crime of “failure to register as a sex offender” to a non-sex offense.	NA
RECOMMENDATION 16 Make all enhancements eligible for earned release time and partial confinement.	SHB 1169 – Did Not Pass Brief Summary of Substitute Bill: • Eliminates the sentencing enhancement for certain controlled substances violations committed in protected zones, as well as the sentencing enhancement for involving a minor in a criminal street gang-related felony.

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	• Removes the requirement that a court order multiple firearm or deadly weapons enhancements to be served consecutively, and instead leaves the matter within the discretion of the court. • Provides a process for resentencing persons who are currently serving a sentence that includes multiple, consecutive firearm enhancements. • Removes current law restrictions on partial confinement and earned early release for sentencing enhancements and applies the changes retroactively to all incarcerated persons. HB 1282 – Did Not Pass Brief Summary of Substitute Bill: • Modifies earned release time provisions to allow aggregate earned release time of up to one-third of the sentence for all categories that qualify for earned time. • Removes the current law prohibition on earned release time for firearm, deadly weapon, sexual motivation, and impaired driving enhancements. • Allows earned release time to accrue during mandatory minimum terms. • Applies changes to earned release time prospectively and retroactively, and requires the Department of Corrections to recalculate earned release dates for those currently incarcerated.
RECOMMENDATION 17 The Legislature should review earned early release time and consider increasing the percentage for certain crimes and doing so in a way that provides greater simplicity and consistency in earned early release calculations.	HB 1282 – Did Not Pass Brief Summary of Substitute Bill: • Modifies earned release time provisions to allow aggregate earned release time of up to one-third of the sentence for all categories that qualify for earned time. • Removes the current law prohibition on earned release time for firearm, deadly weapon, sexual motivation, and impaired driving enhancements. • Allows earned release time to accrue during mandatory minimum terms. • Applies changes to earned release time prospectively and retroactively, and requires the Department of Corrections to recalculate earned release dates for those currently incarcerated.

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RECOMMENDATION 18 Develop and implement a formal motivational and coaching focused supervision model, which includes trauma informed care and core correctional practices and allows for a more responsive and individualized case management approach to facilitate successful transitions and reentry to the community. This supervision model should consider staffing needs, caseload, and program/service delivery, including how community corrections officers dress during routine home and work checks. Because addressing liability concerns will be an important element of any new supervision model, parties directly affected should address this issue and keep the Task Force updated on their work.	Budget Proviso for DOC: Provided solely for expansion of reentry supports and transition services for incarcerated individuals including development and implementation of a coaching model approach to supervision. The department will develop an implementation plan for a community supervision coaching model to begin in fiscal year 2023.
RECOMMENDATION 19 Conduct routine home and work visits in a manner conducive to successful reentry.	NA
RECOMMENDATION 20 Provide early access to reentry services for all individuals prior to being released from confinement associated with felony convictions.	ESSB 5121 – Delivered to Governor Brief Summary of Engrossed First Substitute Bill: • Alters eligibility for the Graduated Reentry Program at the Department of Corrections by creating two participation tracks. • Modifies length of participation and minimum total confinement requirements for each track.
RECOMMENDATION 21 Supervision (including eligibility, duration, sequencing and intensity of requirements/programs) should be based on an individual’s Risk Needs Responsivity (RNR) and research and evidence-based practices and not solely on their conviction(s).	NA

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RECOMMENDATION 22 Simplify tolling of supervision terms to provide clarity and transparency regarding end dates for supervision and access to reentry services. Terms of supervision shall be tolled for: • Any period of time when an individual has absented themselves from supervision without the prior approval of the entity in whose custody the individual has been placed and during any period for which a Bench Warrant has been issued as specified by the court or a Secretary’s Warrant has been issued; • While an individual is serving confinement time as part of the original sentence; and • Any period of time in confinement for a subsequent felony conviction (including pre-sentence confinement as confirmed by the detaining facility).	Budget Proviso for DOC: Adds 21.4 FTE to tolling records staff 2SHB 1126 – Did Not Pass Brief Summary of Second Substitute Bill: • Requires the Department of Corrections to toll a person's term of community custody for any time a secretary's warrant or bench warrant is issued and any time the person is incarcerated for the original sentence. • Eliminates the requirement to toll a person's term of community custody for any time the person is absent from supervision and eliminates the separate tolling requirements and exceptions for different categories of criminal offenses.
RECOMMENDATION 23 Create new, or enhance existing, notification processes to ensure timely, accessible, clear, transparent, and meaningful notifications for all named victims when someone is released to the community or transferred to work release, either via local authorities or Department of Corrections.	ESSB 5245 – Did Not Pass Brief Summary of Engrossed Substitute Bill: • Requires the Department of Corrections to provide notification of the parole, release, community custody, work release placement, furlough, or escape of inmates convicted of an expanded list of crimes. • Provides that victim and witness notifications requirements do not apply to a release ordered pursuant to felony resentencing proceedings.
RECOMMENDATION 24 Expand opportunities and accessibility to culturally relevant, community-based supports outside of Crime Victims’ Compensation (CVC) program for victims and their families. Programs and resources could include therapy, case management, moving costs if needed, flexible financial	NA

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assistance, assistance with creating safety plans, emotional support maps, and wellness resources.	
RECOMMENDATION 25 Expand the opportunity for victims to be informed at the time of sentencing about the existence of the Facilitated Dialogue process and their right to request such a meeting if that would aid in their healing. Allow community-based organizations to facilitate dialogue processes when a person is incarcerated in a local jail, on work release, on community supervision or living in the community. Expansion of dialogues would require that: 1. The court of conviction is encouraged to modify no contact orders to allow for a one-time facilitated meeting and/or the delivery of a letter which, if the person is under DOC supervision or total confinement, has been processed through the DOC Accountability Letter Bank and notifies DOC automatically to temporarily lift prohibited contact order for the discrete purpose of restorative justice dialogue at a survivor's request; The name and credentials of the individual(s) facilitating the dialogue will be specified in the motion. 2. A request to modify a no contact order or condition on a Judgment and Sentence should only be made by a victim or a victim advocate after consultation with a victim. A victim should never be approached on behalf of the person who offended against them. All Victim/Offender Dialogue processes should only be initiated at the request of the victim. 3. Provide resources and facilitation training/capacity building for communitybased organizations to facilitate these processes through coordination with the Department of Corrections or	NA

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local jurisdictions. Develop a system of oversight to assure that facilitators are adequately trained in domestic violence and familial sexual assault dynamics, victim sensitivity and specific Victim/Offender Dialogue Facilitation.	
RECOMMENDATION 26 Increase clarity and purpose for victim testimony during sentencing and release decisions. Communicate clear expectations for victim testimony and impact statements and how that information will be considered. This means for notification in the case of release or potential release, named victims should be notified of opportunities to communicate their needs related to reentry conditions and receive clear information on how their testimony will be used.	NA
RECOMMENDATION 27 Create pathway for domestic violence survivors who do not have an attorney to apply for a domestic violence protection order (DVPO) while in confinement in preparation for their release.	NA
RECOMMENDATION 28 Support DOC programs and policy changes that increase opportunities and accessibility for family engagement, when appropriate, during reentry planning.	NA
RECOMMENDATION 29 Amend RCW 72.09.270(8)(a) related to County of Origin (defined in RCW 72.09.270(8)(c): the individual's county of origin means the county of the person's first felony conviction in Washington) to allow: In circumstances where there will not be adverse impacts to victims or survivors, increase DOC's ability to consider factors that will increase opportunities for	2SHB 1044 – Delivered to Governor County of Origin Discharge Considerations. The definition of "county of origin" is changed to the county of the incarcerated individual's residence at the time of the individual's first felony conviction. Upon release, the DOC may approve a residence location that is not in the individual's county of origin if the DOC determines the residence location would be appropriate based on any court-ordered condition of the individual's sentence, victim safety concerns, and factors that

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successful reentry and long-term support (e.g., proximity to programs, resources, family and pro-social relationships, housing, employment, etc.) when determining release locations. It will be important to ensure no county gets disproportionately impacted.	increase opportunities for successful reentry and long-term support, including location of family, supporting persons or organizations, ability to complete an education program that the individual is enrolled in, availability of appropriate programming or treatment, and access to housing, employment, and prosocial influences in the community. The DOC must approve residence locations in a manner that will not cause any one county to be disproportionately impacted.
RECOMMENDATION 30 Support policy changes and establishment of criteria that allow individuals to maintain engagement with faith leaders, mentors, and/or volunteers following release.	NA
RECOMMENDATION 31 Continue to provide resources for the Statewide Reentry Council and the Departments of Commerce and Corrections to partner with community organizations that provide reentry services, mentorship, and credible messaging to individuals prior to, during, and following release. Prioritize support to organizations that employ people with lived experience and approaches shown to produce good outcomes.	Budget Proviso for DOC: Provided solely for the department to administer a competitive grant program for grants to community-based programs to provide reentry services for formerly incarcerated persons and supports to facilitate successful transitions to the community. The department must work in collaboration with the statewide reentry council to administer the program.
RECOMMENDATION 32 Increase the delivery of and access to (both while individuals are incarcerated and on supervision) vocational/educational programming that has been proven effective at promoting successful reentry and connecting individuals with employment opportunities upon release. Specifically: • Support the development of a program delivery action plan among Department of Corrections, Reentry Council, Department of Commerce, and other entities delivering vocational/ educational programming such as the Washington Student Achievement Council (WSAC) and Statewide Board of	Budget Proviso for DOC: Education Modernization Funding is provided to: (1) increase access to educational opportunities for incarcerated individuals through continued expansion of the secure internet program at correctional facilities; and (2) provide specialists to address the needs of incarcerated individuals with learning disabilities. Includes funding for Second Substitute House Bill 1044 (prison to postsecondary education) that implements postsecondary education certificate and degree programs at state correctional institutions. ESHB 1044 – Delivered to Governor Brief Summary of Second Substitute Bill

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Community and Technical Colleges (SBCTC) providing education for current and formerly incarcerated persons. • Increase funding to support the capacity and infrastructure needed to increase accessibility for vocational training and education within DOC facilities and jails. • Provide the necessary funding to increase the delivery and access to advanced trade/job skills training programs such as the Trades-Related Apprenticeship Coaching (TRAC) and higher education. • Support connections to employment opportunities.	• Permits the Department of Corrections (DOC) to implement postsecondary education certificate and degree programs at state correctional institutions. • Modifies the DOC's educational goals for incarcerated persons to include special education services and postsecondary education certificates or degrees. • Requires the DOC to establish a process for identifying, assessing, and accommodating incarcerated persons with learning disabilities, traumatic brain injuries, and cognitive impairments. • Requires the DOC to provide unofficial transcripts to incarcerated persons who participated in postsecondary education programs any time the person completes a program, is transferred to another facility, or is released. • Requires the DOC to consider an incarcerated person's educational programming and other factors when considering transfers to other facilities and when releasing a person to their county of origin. • Requires the Washington State Institute for Public Policy to study and report on enrollment, completion, and recidivism rates of incarcerated persons in the postsecondary education system post release. • Requires an annual report from the DOC and other state agencies that includes a variety of data and information on incarcerated persons and postsecondary education.
RECOMMENDATION 33 Support current and ongoing efforts to develop incentives for businesses and organizations that hire formerly incarcerated individuals, including but not limited to those who complete vocational/educational programming while incarcerated.	SSB 5358 – Did Not Pass Brief Summary of First Substitute Bill: Provides a business and occupation and public utility tax to qualifying businesses hiring certain unemployed persons, such as persons convicted of a felony and homeless persons.
RECOMMENDATION 34 Provide resources in an equitable manner to DOC and community-based organizations to continue and expand comprehensive and individualized reentry planning. This includes: • Planning for incarceration period and reentry;	Budget Proviso for DOC: Provided solely for the department to administer a competitive grant program for grants to community-based programs to provide reentry services for formerly incarcerated persons and supports to facilitate successful transitions to the community. The department must work in collaboration with the statewide reentry council to administer the program.

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• Treatment for substance addictions and/or mental health services, if applicable; • Appropriate sequencing of programs and training; • Funding to support the ability of community organizations to help facilitate successful reentry programs. For example, the Depts. of Corrections and Commerce and the Reentry Council are currently administering grants to community organizations such as DADS, Tacoma Urban League, House of Mercy, Freedom Project, and Revive Reentry. These grants provide for the basic needs of people exiting, or who have recently exited correctional facilities, including but not limited to housing, transportation, cell phone, groceries; and • Opportunities for engagement with family and community-based organizations (if appropriate).	
RECOMMENDATION 35 Support efforts to address housing concerns for individuals impacted by the criminal justice system. This includes: • Legislative efforts to address landlord practices that exclude individuals with any arrest record or conviction record from rental housing. • Current and ongoing efforts (among DOC, Reentry Council, Dept. of Commerce) to increase access to safe, affordable, and quality housing options for individuals upon reentry. • Developing incentives for reentry housing providers and landlords. • Providing housing assistance and continuing support of DOC's temporary housing program.	E2SHB 1069 – Delivered to Governor Criminal Justice Sales Tax: Through December 31, 2023, the criminal justice purposes for which revenue from this tax can be used includes local government programs with a reasonable relationship to reducing interactions with the criminal justice system, including by reducing homelessness or improving behavioral health. SSB 5117 – Did Not Pass Brief Summary of First Substitute Bill: Allows the Department of Corrections to extend the rental voucher period from three to six months if rental assistance will result in an approved release plan for the eligible incarcerated individual, subject to appropriations. HB 1101 – Did Not Pass Brief Summary of Bill:

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• Increasing opportunities for vacant buildings, units, or public land to be developed into reentry housing. • Establishing performance-based criteria for contracts with reentry housing providers.	Creates a grant program for converting unused public buildings to housing for homeless persons.
RECOMMENDATION 36 DOC should reevaluate policy through a process that accords equal weight and measurement to rehabilitation goals as it does to security goals.	NA
RECOMMENDATION 37 Require DOC to establish (or revise existing) clear and enforceable code of conduct for officer behavior that emphasizes respectful, equitable, and fair treatment of all individuals under DOC jurisdiction.	NA
RECOMMENDATION 38 Support DOC efforts to develop and implement formal processes to prioritize rehabilitation, including: • Staff training that prioritizes supporting successful rehabilitation and reentry. • Each facility working with relevant organizations to provide input in decision-making around incarcerated students' learning and/or access to programming. • A formal review process to review requests and decisions that impact incarcerated students and/or the organizations that support programming.	NA

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RECOMMENDATION 39 Support DOC efforts to provide sufficient preparation and incentive for custody staff to support and prepare individuals for release and greater eligibility requirements for DOC Correctional Officers (COs), Sergeants, Lieutenants etc., seeking to become Counselors and/or Correctional Program Managers.	NA
RECOMMENDATION 40 Address interest on restitution: • Change current law to give judges the discretion to waive or suspend interest on restitution, rather than it being mandatory, based on a finding of current or likely future ability to pay. • Where imposed, allow accrual of interest to begin following release from the term of total confinement. • Lower the current 12% interest rate.	2SHB 1412 – Did Not Pass Brief Summary of Second Substitute Bill: • Allows a court to not impose or waive full or partial restitution and accrued interest owed to any insurer or entity that is not an individual if the offender does not have the current or likely future ability to pay. • Allows a court to not impose interest on restitution after inquiring into and considering specified factors and input of the victim, and revises standards for waiver of accrued interest on restitution and nonrestitution obligations. • Revises the time periods in which judgments for restitution and nonrestitution legal financial obligations may be enforced. • Establishes a revised standard of indigency for purposes of a number of provisions applicable to legal financial obligations. • Allows a defendant at any time to petition the sentencing court for remission of the payment of any fines or unpaid portion of fines based on manifest hardship.
RECOMMENDATION 41 Automatically waive existing non-restitution interest.	NA
RECOMMENDATION 42 Authorize courts to relieve, either in part or full, restitution payments owed to entities by individuals who a court determines lack the means to make payments now or in the realistic future.	2SHB 1412 – Did Not Pass Brief Summary of Second Substitute Bill: • Allows a court to not impose or waive full or partial restitution and accrued interest owed to any insurer or entity that is not an individual if the offender does not have the current or likely future ability to pay.

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	• Allows a court to not impose interest on restitution after inquiring into and considering specified factors and input of the victim, and revises standards for waiver of accrued interest on restitution and nonrestitution obligations. • Revises the time periods in which judgments for restitution and nonrestitution legal financial obligations may be enforced. • Establishes a revised standard of indigency for purposes of a number of provisions applicable to legal financial obligations. • Allows a defendant at any time to petition the sentencing court for remission of the payment of any fines or unpaid portion of fines based on manifest hardship.
RECOMMENDATION 43 Expand eligibility of individuals able to seek relief from LFOs to include persons who are incarcerated. Incarcerated individuals requesting relief would still be subject to the same criteria as those in the community (i.e., the court has discretion to determine whether individuals or family members are experiencing hardship). Additionally, the court could consider pausing the accumulation of interest during period of incarceration.	2SHB 1412 – Did Not Pass Brief Summary of Second Substitute Bill: • Allows a court to not impose or waive full or partial restitution and accrued interest owed to any insurer or entity that is not an individual if the offender does not have the current or likely future ability to pay. • Allows a court to not impose interest on restitution after inquiring into and considering specified factors and input of the victim, and revises standards for waiver of accrued interest on restitution and nonrestitution obligations. • Revises the time periods in which judgments for restitution and nonrestitution legal financial obligations may be enforced. • Establishes a revised standard of indigency for purposes of a number of provisions applicable to legal financial obligations. • Allows a defendant at any time to petition the sentencing court for remission of the payment of any fines or unpaid portion of fines based on manifest hardship.
RECOMMENDATION 44 Create statutory authority for courts to review and adjust or waive fines.	2SHB 1412 – Did Not Pass Brief Summary of Second Substitute Bill: • Allows a court to not impose or waive full or partial restitution and accrued interest owed to any insurer or entity that is not an individual if the offender does not have the current or likely future ability to pay.

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	• Allows a court to not impose interest on restitution after inquiring into and considering specified factors and input of the victim, and revises standards for waiver of accrued interest on restitution and nonrestitution obligations. • Revises the time periods in which judgments for restitution and nonrestitution legal financial obligations may be enforced. • Establishes a revised standard of indigency for purposes of a number of provisions applicable to legal financial obligations. • Allows a defendant at any time to petition the sentencing court for remission of the payment of any fines or unpaid portion of fines based on manifest hardship.
RECOMMENDATION 45 Consider developing and implementing guidance for local jurisdictions to follow governing the transfer of LFOs to collection agencies.	NA
RECOMMENDATION 46 (Partial Consensus) Victim Penalty Assessment: • Upon motion by the defendant, the court be given the discretion to reduce or waive the VPA upon a finding by the court that the defendant lacks the present and future ability to pay. • The court be given the discretion to eliminate stacking of multiple VPAs (multiple VPAs imposed at same time) based on a finding that the defendant lacks the present and future ability to pay. DNA Collection Fee and Criminal Filing Fee: • Upon motion by the defendant, the court should be given the discretion to waive all but one previously imposed DNA collection fee.	2SHB 1412 – Did Not Pass Brief Summary of Second Substitute Bill: • Allows a court to not impose or waive full or partial restitution and accrued interest owed to any insurer or entity that is not an individual if the offender does not have the current or likely future ability to pay. • Allows a court to not impose interest on restitution after inquiring into and considering specified factors and input of the victim, and revises standards for waiver of accrued interest on restitution and nonrestitution obligations. • Revises the time periods in which judgments for restitution and nonrestitution legal financial obligations may be enforced. • Establishes a revised standard of indigency for purposes of a number of provisions applicable to legal financial obligations. • Allows a defendant at any time to petition the sentencing court for remission of the payment of any fines or unpaid portion of fines based on manifest hardship.

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Criminal Sentencing Task Force Recommendation	Related Legislation from 2021 Session
• Upon motion by the defendant, the court should be given the discretion to waive any criminal filing fee(s) imposed at sentencing upon a finding by the court that the defendant is indigent and lacks the ability to pay.	
RECOMMENDATION 47 • Address the courts statute of limitations to enforce collection of LFOs. • Reduce available time for which the court has jurisdiction to collect LFOs. • Jurisdiction will be retained where restitution is owed and there is a willful failure to pay.	2SHB 1412 – Did Not Pass Brief Summary of Second Substitute Bill: • Allows a court to not impose or waive full or partial restitution and accrued interest owed to any insurer or entity that is not an individual if the offender does not have the current or likely future ability to pay. • Allows a court to not impose interest on restitution after inquiring into and considering specified factors and input of the victim, and revises standards for waiver of accrued interest on restitution and nonrestitution obligations. • Revises the time periods in which judgments for restitution and nonrestitution legal financial obligations may be enforced. • Establishes a revised standard of indigency for purposes of a number of provisions applicable to legal financial obligations. • Allows a defendant at any time to petition the sentencing court for remission of the payment of any fines or unpaid portion of fines based on manifest hardship.