

1 NEW SECTION. **Sec. 2.** Subject to the availability of amounts
2 appropriated for this specific purpose, the office of the corrections
3 ombuds is created for the purpose of providing information to
4 inmates, family members, representatives of inmates, department
5 employees, and others regarding the rights of inmates; providing
6 technical assistance to support inmate self-advocacy; identifying
7 systemic issues and responses for the governor and the legislature to
8 act upon; reporting to the legislature; and ensuring compliance with
9 relevant statutes, rules, and policies pertaining to conditions of
10 correctional facilities, services, and treatment of inmates under the
11 jurisdiction of the department.

12 NEW SECTION. **Sec. 3.** The definitions in this section apply
13 throughout this chapter unless the context clearly requires
14 otherwise.

15 (1) "Abuse" means any act or failure to act by a department
16 employee, subcontractor, or volunteer which was performed, or which
17 was failed to be performed, knowingly, recklessly, or intentionally,
18 and which caused, or may have caused, injury or death to an inmate.

19 (2) "Corrections ombuds" or "ombuds" means the corrections
20 ombuds, staff of the corrections ombuds, and volunteers with the
21 office of the corrections ombuds.

22 (3) "Council" means the ombuds advisory council established in
23 section 4(1) of this act.

24 (4) "Department" means the department of corrections.

25 (5) "Inmate" means a person committed to the physical custody of
26 the department, including persons residing in a correctional
27 institution or facility and persons received from another state,
28 another state agency, a county, or the federal government.

29 (6) "Neglect" means a negligent act or omission by any department
30 employee, subcontractor, or volunteer which caused, or may have
31 caused, injury or death to an inmate.

32 (7) "Office" means the office of the corrections ombuds.

33 (8) "Organization" means the private nonprofit organization that
34 operates the office of the corrections ombuds.

35 NEW SECTION. **Sec. 4.** (1) Subject to the availability of amounts
36 appropriated for this specific purpose, no later than August 1, 2017,
37 the governor shall convene an ombuds advisory council with several
38 purposes in support of the ombuds function. The council shall

1 participate in a priority setting process for the purpose of
2 developing priority recommendations to the ombuds, review data
3 collected by the ombuds, review reports issued by the ombuds prior to
4 their release, and make recommendations to the ombuds regarding the
5 accomplishment of its purposes. The council also has authority to
6 issue its own reports and recommendations. The council must
7 biannually review the ombuds' performance, including its compliance
8 with its internal bylaws and other adopted standards of practice,
9 reporting to the governor and the legislature regarding its findings.
10 The council must provide the legislature with recommendations
11 regarding the ombuds budget and changes in the law that would enhance
12 the effectiveness of the ombuds.

13 (2) The council initially consists of the following four members:

14 (a) The majority leader and minority leader in the senate shall
15 appoint one member from each of their respective caucuses of the
16 senate.

17 (b) The speaker of the house of representatives shall appoint one
18 member from each of the two largest caucuses of the house of
19 representatives.

20 (3) The remaining council members consist of the following
21 members, appointed by the governor, and subject to senate
22 confirmation:

23 (a) Two former inmates who have successfully reintegrated into
24 the community and are no longer in the custody of the department;

25 (b) Two family members of current inmates;

26 (c) One expert with significant criminal justice or correctional
27 experience who is not an employee or contractor with the state of
28 Washington;

29 (d) A community member with extensive knowledge and experience in
30 issues related to racial, ethnic, or religious diversity within the
31 correctional system;

32 (e) A community member with extensive knowledge and experience in
33 the accommodation needs of individuals with disabilities;

34 (f) Two former department of corrections employees;

35 (g) A current department of corrections chaplain; and

36 (h) A community member with dispute resolution training who has
37 experience working in the criminal justice or corrections field.

38 (4) The council also includes:

39 (a) The department staff serving as the internal ombuds, if any;

40 (b) A bargaining unit representative; and

1 (c) A representative of the governor's office.

2 (5) After the full membership is attained, the council shall
3 develop a process for replacing members in case of resignation or
4 expiration of terms.

5 (6) Councilmembers serve a term of two years, except that the
6 council shall create and implement a system of staggered terms, and
7 no member other than the department staff serving as the internal
8 ombuds may serve more than two consecutive terms. The council shall
9 convene at least quarterly. Councilmembers serve without
10 compensation, except that funds appropriated for the implementation
11 of this chapter may be used to reimburse members who are not
12 employees of Washington state for expenses necessary to the
13 performance of their duties.

14 NEW SECTION. **Sec. 5.** (1) Subject to the availability of amounts
15 appropriated for this specific purpose, the department of commerce
16 shall designate, by a competitive bidding process, the nonprofit
17 organization that will contract to operate the office of the
18 corrections ombuds. The contract must last for a period of two years
19 and may be renewed at the end of the term. The department of commerce
20 shall select an organization that possesses, directly or through
21 subcontracts, significant legal expertise, competence with mediation
22 and alternative dispute resolution, and experience working within
23 criminal justice and correctional environments. Other relevant
24 experience may include, but is not limited to, addressing issues
25 relating to chemical dependency treatment, disability and disability-
26 related accommodation, respect for racial, ethnic, and religious
27 diversity, and other civil rights and conditions issues. The selected
28 organization must have experience and the capacity to communicate
29 effectively regarding criminal justice issues with policymakers,
30 stakeholders, and the general public, and must be prepared and able
31 to provide all program and staff support necessary, directly or
32 through subcontracts, to carry out all duties of the office.

33 (2) The organization and its subcontractors, if any, are not
34 state agencies or departments, but instead are private, independent
35 entities operating under contract with the state.

36 (3) The organization must be an objective and neutral entity that
37 will impartially investigate complaints.

1 (4) The organization is subject to financial and other audits by
2 the state auditor's office, and its employees must abide by the
3 provisions of chapter 42.52 RCW.

4 NEW SECTION. **Sec. 6.** (1) The ombuds shall:

5 (a) Establish priorities for use of the limited resources
6 appropriated to implement this chapter;

7 (b) Maintain a statewide toll-free telephone number, a collect
8 telephone number, a web site, and a mailing address for the receipt
9 of complaints and inquiries;

10 (c) Provide information, as appropriate, to inmates, family
11 members, representatives of inmates, department employees, and others
12 regarding the rights of inmates;

13 (d) Provide technical assistance to support inmate participation
14 in self-advocacy;

15 (e) Monitor department compliance with applicable federal, state,
16 and local laws, rules, regulations, and policies with a view toward
17 the appropriate health, safety, welfare, and rehabilitation of
18 inmates;

19 (f) Monitor and participate in legislative and policy
20 developments affecting correctional facilities;

21 (g) Establish a statewide uniform reporting system to collect and
22 analyze data related to complaints regarding the department;

23 (h) Establish procedures to receive, investigate, and resolve
24 complaints;

25 (i) Submit annually to the council, the governor's office, and
26 the legislature, by November 1st of each year, a report analyzing the
27 work of the office, including any recommendations; and

28 (j) Adopt and comply with rules, policies, and procedures
29 necessary to implement this chapter.

30 (2)(a) The ombuds may initiate and attempt to resolve an
31 investigation upon his or her own initiative, or upon receipt of a
32 complaint from an inmate, a family member, a representative of an
33 inmate, a department employee, or others, regarding any allegation of
34 the following that may adversely affect the health, safety, welfare,
35 and rights of inmates:

36 (i) Abuse or neglect;

37 (ii) Department decisions or administrative actions;

38 (iii) Inactions or omissions;

39 (iv) Policies, rules, or procedures; or

1 (v) Alleged violations of law by the department.

2 (b) Prior to filing a complaint with the ombuds, a person shall
3 have reasonably pursued resolution of the complaint through the
4 internal grievance, administrative, or appellate procedures with the
5 department. However, in no event may an inmate be prevented from
6 filing a complaint more than ninety business days after filing an
7 internal grievance, regardless of whether the department has
8 completed the grievance process. This subsection (2)(b) does not
9 apply to complaints related to threats of bodily harm including, but
10 not limited to, sexual or physical assaults or the denial of
11 necessary medical treatment.

12 (c) The ombuds may decline to investigate any complaint as
13 provided by the rules adopted under this chapter.

14 (d) If the ombuds does not investigate a complaint, the ombuds
15 shall notify the complainant of the decision not to investigate and
16 the reasons for the decision.

17 (e) The ombuds may not investigate any complaints relating to an
18 inmate's underlying criminal conviction.

19 (f) The ombuds may not investigate a complaint from a department
20 employee that relates to the employee's employment relationship with
21 the department.

22 (g) The ombuds may refer complainants and others to appropriate
23 resources, agencies, or departments.

24 (h) The ombuds may not levy any fees for the submission or
25 investigation of complaints.

26 (i) At the conclusion of an investigation of a complaint, the
27 ombuds must render a public decision on the merits of each complaint,
28 except that the documents supporting the decision are subject to the
29 confidentiality provisions of section 8 of this act. The ombuds must
30 communicate the decision to the inmate, if any, and to the
31 department. The ombuds must state their recommendations and reasoning
32 if, in the ombuds' opinion, the department or any employee thereof
33 should:

34 (i) Consider the matter further;
35 (ii) Modify or cancel any action;
36 (iii) Alter a rule, practice, or ruling;
37 (iv) Explain in detail the administrative action in question;
38 (v) Rectify an omission; or
39 (vi) Take any other action.

1 (j) If the ombuds so requests, the department must, within the
2 time specified, inform the ombuds about any action taken on the
3 recommendations or the reasons for not complying with the
4 recommendations.

5 (k) If the ombuds believes, based on the investigation, that
6 there has been or continues to be a significant inmate health,
7 safety, welfare, or rehabilitation issue, the ombuds must report the
8 finding to the governor and the appropriate committees of the
9 legislature.

10 (l) Before announcing a conclusion or recommendation that
11 expressly, or by implication, criticizes a person or the department,
12 the ombuds shall consult with that person or the department. The
13 ombuds may request to be notified by the department, within a
14 specified time, of any action taken on any recommendation presented.
15 The ombuds must notify the inmate, if any, of the actions taken by
16 the department in response to the ombuds' recommendations.

17 (3) This chapter does not require inmates to file a complaint
18 with the ombuds in order to exhaust available administrative remedies
19 for purposes of the prison litigation reform act of 1995, P.L.
20 104-134.

21 NEW SECTION. **Sec. 7.** (1) The department must permit the ombuds
22 to enter and inspect, at any reasonable time, any correctional
23 facility for the purpose of carrying out its duties under this
24 chapter. The ombuds may inspect, view, photograph, and video record
25 all areas of the facility that are used by inmates or are accessible
26 to inmates. Before releasing any photographs or video recordings
27 taken within a correctional facility, the ombuds must consult with
28 the department concerning any safety or security issues.

29 (2) The department must allow the ombuds reasonable access to:

30 (a) Inmates, which includes the opportunity to meet and
31 communicate privately and confidentially with individuals regularly,
32 both formally and informally, by telephone, mail, and in person; and

33 (b) Department employees, or other persons, who might be
34 reasonably believed to have knowledge of the incident under
35 investigation, which includes the opportunity to interview those
36 individuals.

37 (3) Upon the ombuds' request, the department shall grant the
38 ombuds the right to access, inspect, and copy all relevant
39 information, records, or documents in the possession or control of

1 the department that the ombuds considers necessary in an
2 investigation of a complaint filed under this chapter, and must
3 assist the ombuds in obtaining the necessary releases of documents
4 that are specifically restricted or privileged for use by the ombuds.

5 (4) Following notification from the ombuds with a written demand
6 for access to agency records, the delegated department staff must
7 provide the ombuds with access to the requested documentation not
8 later than thirty business days after the ombuds' written request for
9 the records.

10 (5) A state or local government agency or entity that has records
11 that are relevant to a complaint or an investigation conducted by the
12 ombuds must provide the ombuds with access to such records.

13 (6) The department may not hinder the lawful actions of the
14 ombuds or employees of the office, or willfully refuse to comply with
15 lawful demands of the office.

16 (7) The ombuds must work with the department to minimize
17 disruption to the operations of the department due to ombuds
18 activities, and must comply with the department's security clearance
19 processes, provided these processes do not impede the activities
20 outlined in this chapter.

21 NEW SECTION. **Sec. 8.** (1) The ombuds shall treat all matters
22 under investigation, including the identities of service recipients,
23 complainants, and individuals from whom information is acquired, as
24 confidential, except as far as disclosures may be necessary to enable
25 the ombuds to perform the duties of the office and to support any
26 recommendations resulting from an investigation.

27 (2) Upon receipt of information that by law is confidential or
28 privileged or exempt from disclosure under chapter 42.56 RCW, the
29 ombuds shall maintain the confidentiality of such information and
30 shall not further disclose or disseminate the information except as
31 provided by applicable state or federal law.

32 (3) Investigative records of the office of the ombuds are
33 confidential and are exempt from public disclosure under chapter
34 42.56 RCW. Records provided to and communications with the office of
35 the ombuds related to an investigation are also exempt from public
36 disclosure under chapter 42.56 RCW

37 NEW SECTION. **Sec. 9.** (1) Identifying information about
38 complainants or witnesses is not subject to any method of legal

1 compulsion and may not be revealed to the legislature or the governor
2 except under the following circumstances:

3 (a) The complainant or witness waives confidentiality;

4 (b) Under a legislative subpoena when there is a legislative
5 investigation for neglect of duty or misconduct by the ombuds or
6 ombuds' office when the identifying information is necessary to the
7 investigation of the ombuds' acts; or

8 (c) Under an investigation or inquiry by the governor as to
9 neglect of duty or misconduct by the ombuds or ombuds' office when
10 the identifying information is necessary to the investigation of the
11 ombuds' acts.

12 (2) For the purposes of this section, "identifying information"
13 includes the complainant's or witness's name, location, telephone
14 number, likeness, social security number or other identification
15 number, or identification of immediate family members.

16 NEW SECTION. **Sec. 10.** The privilege described in section 9 of
17 this act does not apply when:

18 (1) The ombuds or ombuds' staff member has direct knowledge of an
19 alleged crime, and the testimony, evidence, or discovery sought is
20 relevant to that allegation;

21 (2) The ombuds or a member of the ombuds' staff has received a
22 threat of, or becomes aware of a risk of, imminent serious harm to
23 any person, and the testimony, evidence, or discovery sought is
24 relevant to that threat or risk; or

25 (3) The ombuds has been asked to provide general information
26 regarding the general operation of, or the general processes employed
27 at, the ombuds' office.

28 NEW SECTION. **Sec. 11.** (1) A civil action may not be brought
29 against any employee of the office for good faith performance of
30 responsibilities under this chapter.

31 (2) No discriminatory, disciplinary, or retaliatory action may be
32 taken against a department employee, subcontractor, or volunteer, an
33 inmate, or a family member or representative of an inmate for any
34 communication made, or information given or disclosed, to aid the
35 office in carrying out its responsibilities, unless the communication
36 or information is made, given, or disclosed maliciously or without
37 good faith.

1 (3) This section is not intended to infringe on the rights of an
2 employer to supervise, discipline, or terminate an employee for other
3 reasons.

4 **PART 2**

5 **DEPARTMENT OF CORRECTIONS**

6 **Sec. 12.** RCW 72.09.010 and 1995 1st sp.s. c 19 s 2 are each
7 amended to read as follows:

8 It is the intent of the legislature to establish a comprehensive
9 system of corrections for convicted law violators within the state of
10 Washington to accomplish the following objectives.

11 (1) The (~~system should~~) highest duty of the department and the
12 secretary is to ensure the public safety. The system should be
13 designed and managed to provide the maximum feasible safety for the
14 persons and property of the general public, the staff, and the
15 inmates.

16 (2) The system should punish the offender for violating the laws
17 of the state of Washington. This punishment should generally be
18 limited to the denial of liberty of the offender.

19 (3) The system should positively impact offenders by stressing
20 personal responsibility and accountability and by discouraging
21 recidivism.

22 (4) The system should treat all offenders fairly and equitably
23 without regard to race, religion, sex, national origin, residence, or
24 social condition.

25 (5) The system, as much as possible, should reflect the values of
26 the community including:

27 (a) Avoiding idleness. Idleness is not only wasteful but
28 destructive to the individual and to the community.

29 (b) Adoption of the work ethic. It is the community expectation
30 that all individuals should work and through their efforts benefit
31 both themselves and the community.

32 (c) Providing opportunities for self improvement. All individuals
33 should have opportunities to grow and expand their skills and
34 abilities so as to fulfill their role in the community.

35 (d) Linking the receipt or denial of privileges to responsible
36 behavior and accomplishments. The individual who works to improve
37 himself or herself and the community should be rewarded for these
38 efforts. As a corollary, there should be no rewards for no effort.

1 (e) Sharing in the obligations of the community. All citizens,
2 the public and inmates alike, have a personal and fiscal obligation
3 in the corrections system. All communities must share in the
4 responsibility of the corrections system.

5 (6) The system should provide for prudent management of
6 resources. The avoidance of unnecessary or inefficient public
7 expenditures on the part of offenders and the department is
8 essential. Offenders must be accountable to the department, and the
9 department to the public and the legislature. The human and fiscal
10 resources of the community are limited. The management and use of
11 these resources can be enhanced by wise investment, productive
12 programs, the reduction of duplication and waste, and the joining
13 together of all involved parties in a common endeavor. Since most
14 offenders return to the community, it is wise for the state and the
15 communities to make an investment in effective rehabilitation
16 programs for offenders and the wise use of resources.

17 (7) The system should provide for restitution. Those who have
18 damaged others, persons or property, have a responsibility to make
19 restitution for these damages.

20 (8) The system should be accountable to the citizens of the
21 state. In return, the individual citizens and local units of
22 government must meet their responsibilities to make the corrections
23 system effective.

24 (9) The system should meet those national standards which the
25 state determines to be appropriate.

26 NEW SECTION. **Sec. 13.** A new section is added to chapter 72.09
27 RCW to read as follows:

28 To ensure public safety and the administration of justice, if the
29 department has actual knowledge or reason to believe that a computer
30 calculation error is or has caused an error in the calculation of the
31 release date for any prisoner, the department shall immediately
32 manually calculate the release date of that prisoner as well as the
33 release dates of any similarly sentenced prisoners.

34 NEW SECTION. **Sec. 14.** A new section is added to chapter 72.09
35 RCW to read as follows:

36 On December 1st of each year, and in compliance with RCW
37 43.01.036, the department must submit a report to the governor and
38 relevant policy and fiscal committees of the legislature that details

1 any information technology backlog at the department along with
2 specific requirements and plans to address such backlog.

3 **PART 3**

4 **JOINT LEGISLATIVE AUDIT AND REVIEW COMMITTEE**

5 NEW SECTION. **Sec. 15.** (1) Pursuant to chapter 43.09 RCW, the
6 joint legislative audit and review committee must conduct a
7 performance audit of the information technology and records related
8 units at the department of corrections, including:

9 (a) The administrative structure of the units, including whether
10 the units should be restructured to respond efficiently to changes in
11 sentencing laws and other emergent issues;

12 (b) The sufficiency of staffing levels and expertise at each of
13 the units; and

14 (c) An evaluation of the advance corrections project's impact on
15 workload and staff resources at each of the units.

16 (2) The joint legislative audit and review committee shall report
17 its findings to the governor and relevant policy and fiscal
18 committees of the legislature by December 1, 2018.

19 **PART 4**

20 **SENTENCING REFORM**

21 NEW SECTION. **Sec. 16.** A new section is added to chapter 9.94A
22 RCW to read as follows:

23 In consultation with the administrative office of the courts,
24 superior court judges' association, Washington association of
25 prosecuting attorneys, Washington association of criminal defense
26 lawyers, Washington public defender association, and Washington
27 association of county clerks, the department shall develop a
28 mandatory sentencing elements worksheet. The worksheet shall be used
29 to identify and record the elements of the court's order that are
30 required by the department to calculate an offender's confinement
31 term, and community custody term when ordered. The Washington
32 administrative office of the courts must include the mandatory
33 sentencing elements worksheet in a specific section within its felony
34 judgment and sentence forms.

1 **Sec. 17.** RCW 9.94A.480 and 2011 1st sp.s. c 40 s 27 are each
2 amended to read as follows:

3 (1) A current, newly created or reworked judgment and sentence
4 document for each felony sentencing shall record any and all
5 recommended sentencing agreements or plea agreements and the
6 sentences for any and all felony crimes kept as public records under
7 RCW 9.94A.475 shall contain the clearly printed name and legal
8 signature of the sentencing judge. The judgment and sentence document
9 as defined in this section shall also provide additional space for
10 the sentencing judge's reasons for going either above or below the
11 presumptive sentence range for any and all felony crimes covered as
12 public records under RCW 9.94A.475. In addition, each felony judgment
13 and sentence document must contain in a specific section the
14 mandatory sentencing elements worksheet developed by the department
15 of corrections in section 16 of this act. Both the sentencing judge
16 and the prosecuting attorney's office shall each retain or receive a
17 completed copy of each sentencing document as defined in this section
18 for their own records.

19 (2) The caseload forecast council shall be sent a completed copy
20 of the judgment and sentence document upon conviction for each felony
21 sentencing under subsection (1) of this section.

22 (3) If any completed judgment and sentence document as defined in
23 subsection (1) of this section is not sent to the caseload forecast
24 council as required in subsection (2) of this section, the caseload
25 forecast council shall have the authority and shall undertake
26 reasonable and necessary steps to assure that all past, current, and
27 future sentencing documents as defined in subsection (1) of this
28 section are received by the caseload forecast council.

29 **Sec. 18.** RCW 9.94A.585 and 2002 c 290 s 19 are each amended to
30 read as follows:

31 (1) A sentence within the standard sentence range, under RCW
32 9.94A.510 or 9.94A.517, for an offense shall not be appealed. For
33 purposes of this section, a sentence imposed on a first-time offender
34 under RCW 9.94A.650 shall also be deemed to be within the standard
35 sentence range for the offense and shall not be appealed.

36 (2) A sentence outside the standard sentence range for the
37 offense is subject to appeal by the defendant or the state. The
38 appeal shall be to the court of appeals in accordance with rules
39 adopted by the supreme court.

1 (3) Pending review of the sentence, the sentencing court or the
2 court of appeals may order the defendant confined or placed on
3 conditional release, including bond.

4 (4) To reverse a sentence which is outside the standard sentence
5 range, the reviewing court must find: (a) Either that the reasons
6 supplied by the sentencing court are not supported by the record
7 which was before the judge or that those reasons do not justify a
8 sentence outside the standard sentence range for that offense; or (b)
9 that the sentence imposed was clearly excessive or clearly too
10 lenient.

11 (5) A review under this section shall be made solely upon the
12 record that was before the sentencing court. Written briefs shall not
13 be required and the review and decision shall be made in an expedited
14 manner according to rules adopted by the supreme court.

15 (6) The court of appeals shall issue a written opinion in support
16 of its decision whenever the judgment of the sentencing court is
17 reversed and may issue written opinions in any other case where the
18 court believes that a written opinion would provide guidance to
19 sentencing courts and others in implementing this chapter and in
20 developing a common law of sentencing within the state.

21 (7) The department may petition for a review of a sentence
22 committing an offender to the custody or jurisdiction of the
23 department. The review shall be limited to errors of law or to
24 address a missing, incomplete, or illegible mandatory sentencing
25 elements section required pursuant to RCW 9.94A.480(1). Such petition
26 shall be filed with the court of appeals no later than ninety days
27 after the department has actual knowledge of terms of the sentence.
28 The petition shall include a certification by the department that all
29 reasonable efforts to resolve the dispute at the superior court level
30 have been exhausted.

31 NEW SECTION. **Sec. 19.** (1) Subject to the availability of
32 amounts appropriated for this specific purpose, the sentencing
33 guidelines commission shall contract for the services of one or more
34 external consultants to evaluate the state's sentencing laws and
35 practices. The consultant must have demonstrated experience in
36 conducting significant research studies and demonstrated successful
37 experience in evaluating sentencing systems or practices. The
38 evaluation must include:

1 (a) Recommendations for changing and improving sentencing laws
2 and practices to:
3 (i) Reduce complexity and implementation challenges;
4 (ii) Reduce unwarranted disparity;
5 (iii) Increase postconviction review;
6 (iv) Reduce costs to taxpayers;
7 (v) Promote fairness and equity;
8 (vi) Reduce unintended and unnecessary impacts on the community;
9 and
10 (vii) Achieve the intended purposes of sentencing as set forth in
11 RCW 9.94A.010;
12 (b) Recommendations for:
13 (i) A phased prospective and retroactive implementation of any
14 proposed changes; and
15 (ii) Establishing an ongoing review of sentencing laws and
16 practices; and
17 (c) An assessment of:
18 (i) Sentence lengths among different categories of offenders;
19 (ii) Whether those sentences conform to current research
20 literature on the relationship between sentence lengths and
21 recidivism;
22 (iii) Sentencing changes adopted by the legislature since 1981,
23 including frequency, nature, and impact;
24 (iv) Disparity in sentencing laws between similarly situated
25 offenders, including the rationale for such disparities;
26 (v) The impact of the elimination of the parole system; and
27 (vi) The state's sentencing laws and practices as compared to
28 other states and other sentencing models.
29 (2) The consultant shall work cooperatively with the sentencing
30 guidelines commission members to obtain any additional
31 recommendations or input consistent with the purposes of this
32 section. Recommendations from the sentencing guidelines commission
33 shall be included in the consultant's final report.
34 (3) The consultant shall complete its evaluation and submit a
35 report to the commission, the joint legislative task force on
36 criminal sentencing under section 20 of this act, the appropriate
37 committees of the legislature, and the governor by September 1, 2018.
38 The contract for services must include a requirement for three
39 briefings before the legislature to take place during the 2018
40 interim and 2019 regular legislative session, including for the joint

1 legislative task force on sentencing, the house of representatives,
2 and the senate.

3 (4) This section expires July 1, 2019.

4 NEW SECTION. **Sec. 20.** (1) A joint legislative task force to
5 simplify criminal sentencing is established.

6 (2) The task force is composed of members as provided in this
7 subsection.

8 (a) The president of the senate shall appoint one member from
9 each of the two largest caucuses of the senate.

10 (b) The speaker of the house of representatives shall appoint one
11 member from each of the two largest caucuses of the house of
12 representatives.

13 (c) The president of the senate and the speaker of the house of
14 representatives jointly shall appoint members representing the:

15 (i) Washington association of sheriffs and police chiefs;

16 (ii) Washington state patrol;

17 (iii) Caseload forecast council;

18 (iv) Washington association of prosecuting attorneys;

19 (v) Washington association of criminal defense attorneys or the
20 Washington defender association;

21 (vi) Washington state association of counties;

22 (vii) Office of the attorney general;

23 (viii) American civil liberties union of Washington;

24 (ix) Sentencing guidelines commission;

25 (x) Department of corrections;

26 (xi) Superior court judges' association; and

27 (xii) Administrative office for the courts.

28 (3) The task force shall review sentencing laws after
29 consideration of the study under section 19 of this act and the
30 consultant's recommendations. The task force shall develop
31 recommendations to reduce sentencing implementation complexities and
32 errors, improve the effectiveness of the sentencing system, and
33 promote public safety. The task force must consider recommendations
34 that:

35 (a) Reduce sentencing complexity while reducing punishment;

36 (b) Reduce sentencing complexity while increasing punishment; and

37 (c) Reduce sentencing complexity and do not either reduce or
38 increase punishment under existing law.

1 (4) The legislative membership shall convene the initial meeting
2 of the task force no later than September 2018.

3 (5) The task force shall submit a report, which may include
4 findings, recommendations, and proposed legislation, to the
5 appropriate committees of the legislature by December 1, 2019.

6 (6) Staff support for the task force must be provided by the
7 senate committee services and the house office of program research.

8 (7) Legislative members of the task force are reimbursed for
9 travel expenses in accordance with RCW 44.04.120. Nonlegislative
10 members are not entitled to be reimbursed for travel expenses if they
11 are elected officials or are participating on behalf of an employer,
12 governmental entity, or other organization. Any reimbursement for
13 other nonlegislative members is subject to chapter 43.03 RCW.

14 (8) The expenses of the task force shall be paid jointly by the
15 senate and the house of representatives. Task force expenditures are
16 subject to approval by the senate facilities and operations committee
17 and the house executive rules committee, or their successor
18 committees.

19 (9) This section expires July 1, 2020.

20 **PART 5**

21 **GENERAL PROVISIONS**

22 **Sec. 21.** RCW 49.60.210 and 2011 1st sp.s. c 42 s 25 are each
23 amended to read as follows:

24 (1) It is an unfair practice for any employer, employment agency,
25 labor union, or other person to discharge, expel, or otherwise
26 discriminate against any person because he or she has opposed any
27 practices forbidden by this chapter, or because he or she has filed a
28 charge, testified, or assisted in any proceeding under this chapter.

29 (2)(a) It is an unfair practice for a government agency or
30 government manager or supervisor to retaliate against a whistleblower
31 as defined in chapter 42.40 RCW.

32 (b) A settlement of any cause of action brought by an employee
33 under this subsection may not contain a provision prohibiting the
34 employee from future work in state government unless the government
35 agency has a significant ongoing concern for the public health,
36 safety, or welfare as a result of the person's future employment.

37 (3) It is an unfair practice for any employer, employment agency,
38 labor union, government agency, government manager, or government

1 supervisor to discharge, expel, discriminate, or otherwise retaliate
2 against an individual assisting with an office of fraud and
3 accountability investigation under RCW 74.04.012, unless the
4 individual has willfully disregarded the truth in providing
5 information to the office.

6 NEW SECTION. **Sec. 22.** In the contract for the next regularly
7 scheduled performance audit under RCW 42.40.110 following the
8 effective date of this section, the office of financial management
9 must require the audit to review the ability of department of
10 corrections employees to use the state employee whistleblower
11 program. The audit must include findings and recommendations,
12 including possible changes to improve the effectiveness of the
13 whistleblower program.

14 NEW SECTION. **Sec. 23.** Sections 16 through 18 of this act apply
15 to sentences imposed on or after July 1, 2018.

16 NEW SECTION. **Sec. 24.** Sections 2 through 11 of this act
17 constitute a new chapter in Title 43 RCW.

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