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**Civil Rights & Judiciary Committee**

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**HB 2465**

**Brief Description:** Collecting and publishing information regarding prosecutorial filing policies and practices.

**Sponsors:** Representative Gildon.

**Brief Summary of Bill**

- Requires county prosecutors and city attorneys to collect and summarize certain data and information on filing practices, including the number and types of referrals, the number and types of charges, and the number and types of cases where charges are not filed, and submit these summaries to the Office of the Attorney General (AGO).
- Requires the AGO to collect and compile the information and publish an annual report on its website.

**Hearing Date:** 1/22/20

**Staff:** Emily Williams (786-7291) and Cece Clynch (786-7195).

**Background:**

County prosecutors are separately elected officials in each of Washington's 39 counties. County prosecutor is a full-time position in counties with a population of 18,000 or more; it may be a part time position in smaller counties. County prosecutors have various duties, including prosecuting civil and criminal actions in which the state or county may be a party.

Some cities have an elected city attorney. The city attorney represents the city in all civil and criminal actions brought by or against the city. The city attorney may perform other duties as directed by ordinance of the city council.

Generally, city attorneys prosecute misdemeanors and gross misdemeanors, while county prosecutors prosecute both felonies and misdemeanors.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

County prosecutors and city attorneys generally have discretion over whether to file charges against a criminal defendant. The Sentencing Reform Act of 1981 provides guidance for prosecutorial decision making in felony cases. The statute makes clear that the standards are only intended as guidance for prosecutors and do not create a right or benefit enforceable at law against the state. Some county prosecutors have developed and published charging guidelines and standards which incorporate this statutory guidance.

**Summary of Bill:**

County prosecutors and elected city attorneys must track:

1. the number and types of criminal referrals that are received from law enforcement agencies;
2. the number and types of cases where charges were filed; and
3. the number and type of cases where charges were not filed.

County prosecutors and elected city attorneys must produce an annual summary of trends in criminal referrals and charges filed. This summary must include a narrative explanation describing the trends in referrals and charges and the reasons why charges were not filed. The summary must reference the types of cases where charges were and were not filed. This report, together with any filing standards or policies developed or used by the elected city attorney or the county prosecutor, must be provided to the Office of the Attorney General (AGO) in accord with policies and deadlines established by that office.

The AGO must adopt policies for administration, including:

1. the categories of crimes that must be reported;
2. the format for reports;
3. deadlines for and frequency of reports; and
4. other policies deemed necessary by the AGO.

The AGO must annually collect, compile, and publish this information from the previous year on its website by February 28.

**Appropriation:** None.

**Fiscal Note:** Requested on January 15, 2020.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.