

# HOUSE BILL REPORT

## HB 2076

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**As Reported by House Committee On:**  
State Government  
General Government & Information Technology

**Title:** An act relating to information concerning racial disproportionality.

**Brief Description:** Regarding information concerning racial disproportionality.

**Sponsors:** Representatives Sawyer and Pollet.

**Brief History:**

**Committee Activity:**

State Government: 1/21/16, 1/26/16 [DPS];

General Government & Information Technology: 2/5/16 [DPS(SG)].

**Brief Summary of Substitute Bill**

- Requires the Caseload Forecast Council (CFC) to begin preparing racial and ethnic impact statements on the effect that proposed legislation will have on racial and ethnic minority groups in criminal and juvenile justice systems.
- Allows the CFC to begin preparing racial and ethnic impact statements in other legislative areas as it develops capacity within its available resources.

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### HOUSE COMMITTEE ON STATE GOVERNMENT

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 7 members: Representatives S. Hunt, Chair; Bergquist, Vice Chair; Holy, Ranking Minority Member; Van Werven, Assistant Ranking Minority Member; Frame, Hawkins and Moscoso.

**Staff:** Sean Flynn (786-7124).

**Background:**

*Caseload Forecast Council.* The Caseload Forecast Council (CFC) prepares and submits state caseload forecasts at least three times a year that facilitate the development of budget

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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.*

proposals by the Governor and the Legislature. The CFC consists of two members appointed by the Governor and four members appointed by the legislative caucuses.

The caseload forecasts include the number of persons expected to receive state entitlements and public services. The CFC may request, without charge, any data and information it needs from the Administrative Office of the Courts (AOC) and the Department of Social and Health Services (DSHS).

*Legislative Fiscal Notes.* The Office of Financial Management (OFM) provides fiscal notes to the Legislature that estimate the impact of proposed legislation on state and local revenues and expenditures. The OFM coordinates the preparation of fiscal notes with state agencies.

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### **Summary of Substitute Bill:**

The CFC must establish a plan to produce racial and ethnic impact statements that estimate the effect of legislative proposals will have on racial and ethnic minority groups. The plan must identify relevant information with assistance from the AOC, the DSHS, the Department of Corrections (DOC), the Office of Superintendent of Public Instruction, and other agencies.

By December 1, 2016, the CFC must begin providing racial and ethnic impact statements upon request of any legislator on any legislative proposal related to the criminal or juvenile justice systems. Initially, the racial and ethnic impact statements in this category may rely exclusively on existing information from the DOC, the Minority and Justice Commission, and the Sentencing Guidelines Commission. The CFC must work within its available resources to increase and improve the availability of racial and ethnic data in the criminal justice system.

For all other categories of legislation, the CFC must provide racial and ethnic impact statements on legislative proposals upon request by a legislator to the extent that the relevant information is available. The CFC may respond to a request that there is currently insufficient information available along with an explanation of what information would be needed to prepare an impact statement. The CFC must develop a schedule of subject areas where it has developed capacity to prepare racial and ethnic impact statements. The lack of a racial impact statement, or any error in its accuracy, does not affect the validity of any legislation.

### **Substitute Bill Compared to Original Bill:**

The substitute bill narrows the immediate implementation for the CFC to begin preparing racial and ethnic impact statements to issues impacting the criminal and juvenile justice systems. The CFC may begin preparing impact statements in other legislative areas as it develops capacity within its available resources and gathers information from relevant sources.

**Appropriation:** None.

**Fiscal Note:** Available.

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

**Staff Summary of Public Testimony:**

(In support) Issues and policies have different implications on different demographics and communities in the state on a wide range of issues, including environmental, criminal justice, and other issues. Legislative action should be informed by how policies affect communities of color. Consideration of racial and ethnic impact on legislation will lead to more equitable and just policies.

The state has a complex network of databases and should be able to obtain the relevant information on race and ethnicity without incurring a large cost. The information on race and ethnicity is already available in state databases and may only need a different way of reporting it.

(Opposed) None.

(Other) The bill could be difficult to implement because of the uncertainty about how racial impact statements would be prepared outside of the criminal justice areas. It is also unknown how many requests will be submitted. The availability of the relevant data is unknown in many areas of state government and there are not information sharing agreements with many agencies. These uncertainties could potentially lead to a poor quality product below the standards of the CFC. The bill should be amended to allow more study on this proposal with stakeholder input to determine expectations.

**Persons Testifying:** (In support) Representative Sawyer, prime sponsor; Ellicott Dandy, OneAmerica; Bob Cooper, National Association of Social Workers, Washington Association of Criminal Defence Lawyers and Washington Defender Association; and Felipe Rodriguez-Flores, Progreso: Latino Progress.

(Other) Elaine Deschamps, Caseload Forecast Council; and Mellani McAleenan, Board for Judicial Administration.

**Persons Signed In To Testify But Not Testifying:** None.

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**HOUSE COMMITTEE ON GENERAL GOVERNMENT & INFORMATION  
TECHNOLOGY**

**Majority Report:** The substitute bill by Committee on State Government be substituted therefor and the substitute bill do pass. Signed by 5 members: Representatives Hudgins, Chair; Kuderer, Vice Chair; Caldier, Assistant Ranking Minority Member; Morris and Senn.

**Minority Report:** Without recommendation. Signed by 1 member: Representative MacEwen, Ranking Minority Member.

**Staff:** Lily Sobolik (786-7157).

**Summary of Recommendation of Committee On General Government & Information Technology Compared to Recommendation of Committee On State Government:**

No new changes were recommended.

**Appropriation:** None.

**Fiscal Note:** Available.

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

**Staff Summary of Public Testimony:**

(In support) It is important to know that this bill was amended in committee because the fiscal note was very high. This bill is a work in progress, it was narrowed to only include criminal justice. Other states already have this, it is requested infrequently during the legislative session. The statements are completed at the request of legislation and are an important tool for making informed decisions. The narrowing of this bill in the substitute bill is disappointing, but it is a good first step. Racial and ethnic impact statements are not just needed inside of the criminal justice system, but also in healthcare and education. In terms of the availability of data through the justice reinvestment process there is amazing interconnectivity, the needed data is believed to be available.

(Opposed) None.

**Persons Testifying:** Prime sponsor, Representative Sawyer; and Bob Cooper, Washington Defender Association and Washington Association of Criminal Defense Lawyers.

**Persons Signed In To Testify But Not Testifying:** None.