

# SENATE BILL REPORT

## SB 5752

---

---

As of February 27, 2015

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

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

**Sponsors:** Senators Hasegawa, Darneille, Kohl-Welles, Jayapal, Chase and McAuliffe.

**Brief History:**

**Committee Activity:** Government Operations & Security: 2/10/15, 2/19/15 [DP-WM, DNP].  
Ways & Means: 2/26/15.

---

### SENATE COMMITTEE ON GOVERNMENT OPERATIONS & SECURITY

**Majority Report:** Do pass and be referred to Committee on Ways & Means.

Signed by Senators Roach, Chair; Benton, Vice Chair; Pearson, Vice Chair; Liias, Ranking Minority Member; Habib and McCoy.

**Minority Report:** Do not pass.  
Signed by Senator Dandel.

**Staff:** Samuel Brown (786-7470)

---

### SENATE COMMITTEE ON WAYS & MEANS

**Staff:** Dean Carlson (786-7305)

**Background:** Fiscal note estimates of the fiscal impact of proposed legislation are prepared by the executive branch for use during the legislative process. For legislation that has a fiscal impact on state agencies, fiscal notes are prepared under a process coordinated by the Office of Financial Management (OFM). Pursuant to instructions issued by OFM, affected agencies estimate the bill's impacts on state revenues and expenditures and work with OFM to produce the fiscal note. For legislation that affects counties, cities, and other units of local government, the Department of Commerce produces local government fiscal notes, which are also subject to coordination by OFM.

---

*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.*

Several states, including Iowa, Connecticut, and Oregon, have established procedures for the provision of racial impact statements, which provide a statistical analysis of the projected impact of proposed legislation on racial or ethnic minority populations. The Minnesota Sentencing Guidelines Commission also produces racial impact statements on proposed legislation, although it is not required to by statute.

**Summary of Bill:** The Caseload Forecast Council (CFC) must establish a procedure for producing racial impact statements on the effect proposed legislation will have on racial and ethnic minorities, including how legislation will impact the racial and ethnic composition of the criminal and juvenile justice systems. Racial impact statements must be available at the request of any legislator. The lack of a racial impact statement does not affect the validity of any measure passed by both houses of the Legislature.

The CFC must work in cooperation with appropriate legislative committees, OFM, the Department of Corrections, the Department of Social and Health Services, the Administrative Office of the Courts, the Minority and Justice Commission, the Washington State Institute for Public Policy, and the Sentencing Guidelines Commission in developing a procedure for provision of racial impact statements.

**Appropriation:** None.

**Fiscal Note:** Available.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony (Government Operations & Security):** PRO: This is an important bill that comes from an interim work session sponsored by the state Supreme Court, the Minority and Justice Commission, and the Sentencing Guidelines Commission. It was universally appreciated that we need a method for recognizing disparities where they exist in state government and in the criminal justice system. There's institutional racism, not overt, not intentional, but that still creates tension in communities where disparities exist in the criminal justice and educational systems. This is a positive opportunity to take a step forward and at least identify potential racial disparities in legislation we're proposing. This provides more information that exists, but hasn't been developed. This is a tool for policymakers to assess the racial and ethnic impact of proposed legislation and prevent unintended discrepancies by considering alternatives and developing policies that are effective and fair. Unintended consequences can have far-reaching consequences on communities. When parents go to prison, their children are placed in foster care and put disproportionately at risk of being permanently displaced from their parents.

**Persons Testifying (Government Operations & Security):** PRO: Senator Hasegawa, prime sponsor; Dave Boerner, Citizens Action Commission; Cynthia Delostrinos, Minority and Justice Commission; Lillian Hewko, WA Defender Assn.

**Staff Summary of Public Testimony (Ways & Means):** PRO: Some time laws appear to be neutral but aren't, even though it is not intentional. This would help avoid education equity litigation from unintended discriminatory consequences. This is a good practice.

OTHER: We have been working on how these impact statements would work in the criminal justice area. We are a little concerned on how broad the bill is in other areas.

**Persons Testifying (Ways & Means):** PRO: Bob Cooper, WA Assn. of Criminal Defense Lawyers, WA Defender Assn.; Chris Kaasa, American Civil Liberties Union of WA; Mauricio Ayon, Facing Race Coalition.

OTHER: John Steiger, CFC, Director.