

# SENATE BILL REPORT

## SB 5752

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As Reported by Senate Committee On:  
Government Operations & Security, February 19, 2015  
Ways & Means, February 27, 2015

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

**Brief Description:** Regarding information concerning racial disproportionality. [**Revised for 1st Substitute:** Addressing 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, 2/27/15 [DPS, w/oRec].

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### 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)

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### SENATE COMMITTEE ON WAYS & MEANS

**Majority Report:** That Substitute Senate Bill No. 5752 be substituted therefor, and the substitute bill do pass.

Signed by Senators Hill, Chair; Hargrove, Ranking Member; Keiser, Assistant Ranking Member on the Capital Budget; Ranker, Ranking Minority Member, Operating; Becker, Billig, Conway, Fraser, Hasegawa, Hatfield, Hewitt, Kohl-Welles, Rolfes and Schoesler.

**Minority Report:** That it be referred without recommendation.

Signed by Senators Braun, Vice Chair; Dammeier, Vice Chair; Honeyford, Vice Chair, Capital Budget Chair; Bailey, Brown, O'Ban, Padden, Parlette and Warnick.

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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.*

**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.

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 (Recommended Substitute):** The Caseload Forecast Council (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, the Department of Early Learning, the Student Achievement Council, the State Board of Education, the Sentencing Guidelines Commission, and a person of a community at large in developing recommendations for procedures and tools which will enable them to provide cost effective racial and ethnic impact statements to legislative bills affecting criminal justice, human services, and education caseloads forecasted by the CFC. The CFC must submit a report to the Governor and appropriate legislative committees on or before December 31, 2015, outlining their recommendations.

**EFFECT OF CHANGES MADE BY WAYS & MEANS COMMITTEE (Recommended Substitute):** Removes the requirement for racial and ethnic impact statements to be done. Requires the CFC to work in coordination with several agencies to develop a recommendation on procedures and tools needed to develop racial and ethnic impact statements. They must report their recommendation to the Legislature and the Governor by December 31, 2015.

**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 on Original Bill (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 on Original Bill (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.