S-4079.1

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**SUBSTITUTE SENATE BILL 5691**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**State of Washington 67th Legislature 2022 Regular Session**

**By** Senate Law & Justice (originally sponsored by Senators Gildon, Honeyford, and Rivers)

AN ACT Relating to increasing transparency and accountability regarding prosecutorial filing policies and practices; adding a new chapter to Title 10 RCW; and creating a new section.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. **Sec.**  It is the intent of the legislature to ensure transparency and accountability within the criminal justice system, particularly for those with discretion to charge or divert criminal cases. The legislature intends for local prosecutors to help ensure transparency and local engagement through the production and posting of an annual report detailing local strategy for charging various classes of crimes. The legislature intends to increase public awareness of the discretionary role prosecutors play in the criminal justice system, as well as illuminate the strategy and decisions of local elected prosecutors. The legislature does not intend to burden the prosecutorial bar with undue effort or reporting requirements that would diminish or interfere with a local prosecutor's ability to fulfill his or her role as an elected official.

NEW SECTION. **Sec.**  (1) All county prosecutors that receive over 5,000 adult felony and misdemeanor referrals annually shall:

(a) Track the number and types of adult felony and misdemeanor referrals received from law enforcement agencies;

(b) Track the number and types of adult felony and misdemeanor cases where charges are filed;

(c) Track the number and types of adult felony and misdemeanor cases where charges are not filed;

(d) Track the number of juvenile felony and misdemeanor referrals received from law enforcement agencies;

(e) Track the number and types of juvenile felony and misdemeanor cases where charges are filed;

(f) Track the number and types of juvenile felony and misdemeanor cases where charges were not filed;

(g) Track the number and type of adult felony and misdemeanor cases where the prosecutor has petitioned the court for resentencing pursuant to RCW 36.27.130;

(h) Post an annual report on the local jurisdiction website, including the information collected in (a), (b), and (c) of this subsection, as well as a summary of not more than 1,000 words in length describing the local trends in juvenile and adult felony and misdemeanor referrals and charges and summarizing the local jurisdiction's strategy for referring, diverting, or charging certain classes of crimes including, but not limited to, violent crime and property crime; and

(i) Provide a copy of any filing standards or policies developed or used by the county prosecuting attorney and his or her agents that precludes taking action on referrals from law enforcement, restricts prosecution of certain crimes, or requires diversion of adult felonies and misdemeanors.

(2) Nothing in subsection (1) of this section requires the disclosure of attorney work product.

NEW SECTION. **Sec.**  Sections 1 and 2 of this act constitute a new chapter in Title 10 RCW.

NEW SECTION. **Sec.**  If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2022, in the omnibus appropriations act, this act is null and void.

**--- END ---**