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**SENATE BILL 5691**

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**State of Washington**

**67th Legislature**

**2022 Regular Session**

**By** Senators Gildon, Honeyford, and Rivers

Prefiled 01/06/22. Read first time 01/10/22. Referred to Committee on Law & Justice.

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

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

5 NEW SECTION. **Sec. 1.** It is the intent of the legislature to  
6 ensure transparency and accountability within the criminal justice  
7 system, particularly for those with discretion to charge or divert  
8 criminal cases. The legislature intends for local prosecutors to help  
9 ensure transparency and local engagement through the production and  
10 posting of an annual report detailing local strategy for charging  
11 various classes of crimes. The legislature intends to increase public  
12 awareness of the discretionary role prosecutors play in the criminal  
13 justice system, as well as illuminate the strategy and decisions of  
14 local elected prosecutors. The legislature does not intend to burden  
15 the prosecutorial bar with undue effort or reporting requirements  
16 that would diminish or interfere with a local prosecutor's ability to  
17 fulfill his or her role as an elected official.

18 NEW SECTION. **Sec. 2.** (1) All elected city attorneys, who are  
19 elected in accordance with the charter or code governing the

1 respective municipalities, and all county prosecutors that receive  
2 over 5,000 adult felony and misdemeanor referrals annually shall:

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

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

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

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

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

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

24 NEW SECTION. **Sec. 3.** Sections 1 and 2 of this act constitute a  
25 new chapter in Title 10 RCW.

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