

SENATE BILL REPORT

SB 5884

As Passed Senate, February 1, 2024

Title: An act relating to court-ordered restitution in environmental criminal cases.

Brief Description: Concerning court-ordered restitution in environmental criminal cases.

Sponsors: Senators Trudeau, Pedersen, Dhingra, Hasegawa, Lovelett, Nobles, Saldaña, Salomon, Stanford and Valdez.

Brief History:

Committee Activity: Environment, Energy & Technology: 1/09/24, 1/19/24 [DP, DNP, w/oRec].

Floor Activity: Passed Senate: 2/1/24, 31-18.

Brief Summary of Bill

- Authorizes the imposition of court-ordered restitution for violations of environmental criminal statutes.

SENATE COMMITTEE ON ENVIRONMENT, ENERGY & TECHNOLOGY

Majority Report: Do pass.

Signed by Senators Nguyen, Chair; Lovelett, Vice Chair; Lovick, Trudeau and Wellman.

Minority Report: Do not pass.

Signed by Senator Short.

Minority Report: That it be referred without recommendation.

Signed by Senators MacEwen, Ranking Member; Boehnke.

Staff: Adam Brunmeier (786-7357)

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

Background: Environmental Criminal Statutes. Washington law criminalizes certain conduct which is known to cause harm to the environment. Separate statutes across different chapters impose criminal penalties for violations relating to (1) water pollution, (2) air pollution, and (3) hazardous waste management. These statutes expressly authorize penalties such as fines or imprisonment. There is no language within these statutes expressly authorizing court-ordered restitution for harm suffered by victims of environmental crime.

Restitution. Restitution is a specific sum of money ordered by the sentencing court to be paid by the offender to the court over a specified period of time as payment of damages. Restitution may be used to compensate victims or cover certain public costs for monetary harm arising out of a criminal offense. Statutes governing the application of restitution for violation of criminal law can be found in separate titles of the Revised Code of Washington.

Summary of Bill: The courts are authorized to order restitution for harm to natural resources or the environment, following a criminal conviction with respect to (1) water pollution, (2) air pollution, and (3) hazardous waste management.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

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

Staff Summary of Public Testimony: PRO: If passed this will address an important inadequacy in current environmental regulations. Recent environmental incidents demonstrate the need for greater measures of restitution to hold polluting entities accountable. Past criminal penalties for environmental crimes have not covered the costs to local communities caused by offenders. Environmental contamination is not just a threat to public health but also a major economic challenge. The economic risk posed by vulnerability to environmental crimes discourages investment and development. The bill is needed as a deterrent for irresponsible behavior.

Persons Testifying: PRO: Senator Yasmin Trudeau, Prime Sponsor; MELISSA MALOTT, Communities for a Healthy Bay; Anders Ibsen, Communities for a Healthy Bay.

Persons Signed In To Testify But Not Testifying: No one.