

2021 Legislative Agenda

Treatment and Recovery Act

Bill number forthcoming

The Treatment and Recovery Act addresses what public health experts have known for decades: police and jails are the wrong tools to help community members with substance use disorders. This legislation would replace arrest and incarceration with a public health approach to a public health crisis. It would remove thousands of cases from the criminal legal system and provide additional resources for services and education. It is a crucial step toward reducing the harm inflicted on communities of color by the war on drugs and mass incarceration.

De-escalation/Use of Force

HB 1310

Police officers hold state-sanctioned power over life and death, and they should handle that power with care through de-escalation. This bill would adopt a statewide de-escalation and duty of care standard for officers. The bill would require officers use de-escalation tactics and the minimum level of force possible during encounters with members of the public, taking into consideration a person's characteristics such as whether they are pregnant, a youth, in a mental health crisis, or living with a disability. The bill further requires deadly force only be used as a last resort when necessary to protect against an imminent threat of serious physical injury or death. Making de-escalation the standard will improve safety for both officers and the communities they serve, particularly communities of color that are disproportionately impacted by interactions with violent officers.

Peace Officer Accountability Act

HB 1202

Washingtonians who are victims of police violence face too many barriers to holding officers accountable. The Peace Officer Accountability Act, would change that. The bill would remove barriers for victims and their families to sue and hold officers and departments civilly liable for misconduct and eliminate qualified immunity as a defense. It further authorizes the Attorney General's office to investigate and bring lawsuits against departments where there are patterns of wrongdoing. Removing barriers to accountability will make our communities safer and deter police misconduct.

Safeguarding Police Accountability

SB 5134

Police are entrusted with exceptional powers to use force against members of the public, but historically, mechanisms to assure

that police are held accountable for misuse of those powers have been reduced or eliminated through collective bargaining and private arbitration of police discipline appeals. Decisions about how to discipline officers who abuse their unique power have no place at the bargaining table. This bill removes barriers to police accountability by making discipline for excessive use of force and other serious misconduct ineligible for negotiations during collective bargaining. It also eliminates private arbitration as an option for disciplinary appeals when serious police misconduct is found. When police violate their sworn duty to serve and protect, it is the public, and disproportionately Black, Indigenous, and communities of color, that pay the price. This bill is an important step toward restoring public trust in law enforcement.

Removing unfair hurdles to police accountability—eliminating the “felony bar” to wrongful death lawsuits

SB 5263

Currently in Washington, law enforcement officers who injure or kill people with use of excessive force can frustrate efforts to hold them accountable through lawsuits brought by surviving family members or recovering victims by raising a defense nicknamed the “felony bar.” This defense allows police to escape liability by claiming the person they harmed was committing a felony at the time, barring any recovery of monetary damages, and therefore removing an important incentive to avoid excessive use of force. The law does not require the victim to be convicted or even charged with a felony, and often in cases where the victim dies, the only witness who could have contradicted the officer's version of events is no longer available. This bill repeals this unfair hurdle to police accountability.

People's Privacy Act: Meaningful Digital Privacy Protections for Washingtonians

Bill number forthcoming

This bill creates meaningful, people-centric digital privacy protections for Washingtonians. It requires informed, opt-in consent for any use of an individual's personal information. This bill gives individuals the right to know what personal information companies and organizations are collecting and puts people in control of whether and how their information is used. It prohibits secret surveillance, installing and using face recognition systems in places of public accommodation, unauthorized sale or use of personal data, and use of data to discriminate. Importantly, it allows consumers to enforce any violations through the courts. Washington is a technology leader and should be setting a meaningful standard for privacy protections. This bill sets that standard and puts Washingtonians in control of their data.

Voting Rights Restoration
HB 1078 and SB 5086

The right to vote is fundamental to democracy, but it has long been hindered by harmful and discriminatory tactics like gerrymandering, poll closures, and purges of voter rolls. Today, thousands of Washington residents cannot vote because of a prior felony conviction — a measure that was also born out of a racist and discriminatory history. HB 1078 and SB 5086 strengthens our democracy by automatically restoring the right to vote for all citizens convicted of a felony offense upon their release from prison. Restoring voting rights for these individuals will lead to stronger and safer communities, address racial inequities within the criminal legal system, reduce recidivism, and create a democracy that is truly representational of every person in our community.

End Debt-Based Driver's License Suspensions
SB 5226

Washington should not suspend driver's licenses for unpaid fines and fees. This puts people at risk of being pulled over and charged with a crime the next time they drive to work, the grocery store, or a medical appointment. Driving While License Suspended in the Third Degree (DWLS3) is the most frequently charged crime in our state, representing hundreds of thousands of hours that police officers, sheriffs' deputies, state troopers, prosecutors, judges, and jailers spend punishing people for "driving while poor."

There are better ways to hold people accountable for missing payments. This legislation stops the suspension of driver's licenses for financial reasons and the accompanying automatic loss of vehicle insurance coverage. Having a valid driver's license is a necessity of life for many people in Washington, for work and to provide transportation for their families, which is an important public health and safety issue especially during a pandemic and economic crisis.

Immigrant Health Care
HB 1191

The effect that each individual's access to health care has on everyone in Washington has been made starkly evident during the COVID-19 pandemic. Many immigrants in our state lack access to affordable health care coverage. This means they go without critical health services and have limited access to care. This bill would increase equity in health care by creating affordable health coverage options to all Washington State residents, regardless of immigration status. The bill would create a state-funded program to cover immigrants who, due to their immigration status, are ineligible for federal Medicaid and Qualified Health and Dental Plans. Meeting the basic health care needs for all Washingtonians is a cost-effective policy that makes every community healthier and is especially important during the pandemic, which has exacerbated underlying inequities.

Protecting Pregnant Patients Act
SSB 5140

Anyone who is suffering a miscarriage should feel safe that they will receive the best care possible. Yet in Washington, care is often delayed or denied for pregnant patients due to the institutional policies of health systems. These restrictions on care are discriminatory, serve no medical purpose, and place the health and lives of pregnant patients at risk. This bill would prevent hospitals from interfering with a doctor or nurse's ability to provide care to a patient who is miscarrying or experiencing an ectopic pregnancy.

Youth Access to Counsel
HB 1140

This bill protects the legal rights of young people suspected of unlawful behavior by requiring law enforcement agents to connect youth to a public defender before interviewing them or requesting they waive their constitutional rights to legal representation. Currently, police officers are not required to affirmatively provide legal representation to young people before asking them to make decisions that impact their rights. Studies show that young people do not fully understand the consequences of waiving their right to representation and are more likely than adults to waive their rights. This bill, similar to the Mi'Chance Dunlap-Gittens' Youth Rights Ordinance passed in 2020 by the Seattle City Council and King County Council, would safeguard the right to legal representation for young people throughout Washington.