

Four Bills that Impact our Washington State Incarceration System

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Overview

Six Bills that Impact our Washington State Incarceration System

The goal of our multi-faith group is to create an incarceration system that is transformative, not punitive, a system which values the humanity of each incarcerated person and seeks to maximize his/her unrealized human potential. This approach will also increase public safety in the long run.

Accordingly, we are actively supporting 6 bills which further this goal or remove barriers to this goal.

- 1. Reducing excessively long sentences**

Excessively long sentences are unreasonably punitive and take us away from the goal of transformation. These bills are aimed at sentence reduction: **HB5036**(expanding clemency), **HB1413** (juvenile points), **HB1169**(de-stacking sentence enhancements).

- 2. Cruel treatment in prison**

Solitary confinement is cruel and unusual punishment, does nothing to further the goal of transformation, and reflects poor training of prison staff. **HB1132** would limit solitary confinement.

- 3. Removing barriers to re-entry**

A transformative system of justice will always be focused on the goal of creating a path for the incarcerated person to be a contributing member of society when he is released. **HB1412**(reducing debt) and **a billed modeled after SB6490** (preventing housing discrimination) would remove barriers to re-entry.

1. Reducing Excessively Long Sentences

a. What is Bill 5036/Expanding Clemency?

- SB 5036 expands the number (from 5 to 10) of the Clemency & Pardons board (CPB) membership. This will allow more people to be able to petition to receive a hearing and makes the CPB have more racial equity given the designation of the five new seats.
- SB 5036 will make the following changes as to who can petition the CPB:
 - Anyone who has served 20 consecutive years
 - Anyone who has served 15 years, if in for life as a 3 striker (“Three Strikes/Violations and You’re Out,” meaning you’re in for life, was the initiative passed by Washington voters in 1998) AND your 3rd strike violation was robbery 3 (a non-violent offense)
 - Anyone who has served 25 years, if they are serving a life sentence for Aggravated Murder in the first degree

Why Should We Support Expanded Clemency?

- Washington State is one of 14 states that does not have parole. Washington abolished parole in the 1980’s. **The elimination of parole reflects a marked shift in orientation in the justice system away from rehabilitation towards punishment.** This approach to criminal justice:
 - Has led to an exponential increase in the number of people incarcerated since the 1990’s
 - Has resulted in longer sentences for many more people
 - **Has taken away discretion from judges who would prefer to find alternatives for incarceration**
 - **Has disproportionately and unfairly impacted People of Color**
 - Ignores the humanity and the human potential of the incarcerated. **It has given up on a large group of people who have the potential of changing their lives for the better.** People with sentences of over seven years have effectively been abandoned by the system, are offered no education, no chance for rehabilitation, and no hope that anything they could do would result in their release.
 - Has removed incentives for incarcerated people to become contributing members of society
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- **Expanding clemency**, as proposed by Bill 5036
 - **Is rooted in the belief that people can change.** Given the proper environment and nurturance over time, a person who has committed a crime is capable of showing remorse, taking responsibility for their actions, understanding the impact of their behavior, and showing themselves able to become a contributing member of society.
 - **Reflects the belief that even people who have committed serious crimes deserve a chance at redemption**
 - Is one important step in reversing the impact of laws like “Three Strikes and You’re Out,” and of creating a system of confinement whose goal is the rehabilitation of incarcerated persons, the nurturing of their highest human potential, and, wherever possible, their reentry into society.
 - We are living in an increasingly harsh and unforgiving society where we are quick to judge and distance ourselves from people who differ from us. A society that can see the humanity and the potential for goodness even in people who have committed serious offenses will be more open to seeing these qualities in people whom we judge negatively for any number of reasons, and will make the effort to seek out and nurture that potential.

Read more about Bill 5036 [here](#).

b. What is House Bill 1413/Reforming our Juvenile Sentencing System to be Less Punitive?

- This bill is sponsored by Representative Hackney.
- Most crimes committed by persons under 18 years of age are adjudicated in juvenile court, but certain cases are transferred to adult court. If a person under 18 is convicted in adult court, the conviction is considered an adult conviction for subsequent offender score calculations. This greatly increases sentence length.
- Under HB 1413, when an adult commits a crime, their prior juvenile offenses will not be considered as a reason for lengthening the sentence.
- Individuals whose offender scores were increased by prior juvenile dispositions should receive retroactive resentencing opportunities to address past systemic injustices.
- If HB1413 is passed, a person whose adult sentence was increased due to prior juvenile offences can petition to have his sentence shortened. Upon a person's motion for relief from sentence, a sentencing court must grant an expedited resentencing hearing if the person was sentenced for an offense committed prior to the effective date of this bill which is July 1, 2025.

Why Should We Support HB 1413?

- Our varied religious traditions always call for a second chance or opportunity when a violation or crime of any kind has taken place. Special consideration for this belief occurs when young people/juvenile youth are involved.
- Washington's inclusion of prior juvenile dispositions stems from misguided, archaic fears from the 'tough on crime' era of criminal justice. Policies from that era perpetuated racist stereotypes, such as the super-predator myth that youth of color were inherently violent and unable to be rehabilitated. The criminal justice system continues to exploit and profit from labor provided by incarcerated people of color.
- Youth of color, especially those who are trans, queer, or economically impoverished, are overpoliced and [more likely to face criminal charges](#). Prosecutors are incentivized to seek harsh penalties and sentences for crimes committed by youth of color, leading to youth of color accumulating more than twice the number of juvenile convictions compared to their white counterparts because they are afforded fewer resources and opportunities for deferral. As a result, youth of color are given longer sentences and are exposed to additional traumas while incarcerated. (Source: [1413 House Bill Report](#))
- This bill incorporates our latest understanding of adolescent brain science and acknowledges youth as a mitigating factor in criminal behavior. Instead of labeling youth of color as offenders, this will empower them to move forward with their lives and make positive changes that reduce their risk of recidivism.

Read more about bill 1413 [here](#).

c. What is Bill 1169 (De-Stacking Sentencing Enhancements)?

- SHB 1169 (substitute house bill) eliminates certain sentencing enhancements in order to advance racial justice. It is sponsored by Representative Goodman.
- “Enhancements” is a legal/judicial word that applies to adding on to a sentence for certain crimes, like a street gang related felony (e.g. drug dealing), impaired driving, or a sexual offense.
- Sentences can be ‘enhanced’ for a variety of reasons, such as:
 - The crime impacted more than one person, so an additional sentence is meted out for each person impacted.
 - The crime was committed in a certain zone, like a school zone.

- For example, the penalty for brandishing a gun can be five years. But if you brandish a gun in front of four people, the sentence can be multiplied by four, and ‘stacked’ so that the person serves 20 years in prison.
- In this substitute bill, two sentencing enhancements are eliminated:
 - for certain controlled substances violations committed in protected zones (like a school zone)
 - for involving a minor in a street gang related felony

Why Should We Support De-Stacking Enhancements?

- Incarceration rates are too high, disproportionately affect people of color, and do not increase public safety or decrease recidivism.
- Some of the main drivers of increasing sentence length are these enhancements, with some quadrupling the base sentence. Enhancements are only marginally deterrent at a massive social and economic cost. Families have been caused a great deal of pain due to these mandatory minimums.
- Special zones, like school zones, tend to be very broadly defined, allowing prosecutors to pile on additional years to a sentence with little justification. It is important to note that this bill does not remove punishments for dealing drugs to school children; there are other laws in place to punish those acts and will continue to stand if this bill passes.
- The component of the bill that allows a person to petition for de-stacking (one enhancement upon another) is very important. The bill should be amended to be required to apply retroactively, thus shortening existing excessive sentences. Sentencing reform is not a get out of jail free card. It is much better for public safety to provide an incentive for good behavior through more reasonable and humane sentences.

Read more about bill 1169 [here](#).

2. Decreasing Cruel Treatment in Prison

a. What is Bill 1312/Restricting Solitary Confinement?

- In 2015, the UN adopted standard minimum rules for the treatment of prisoners, known as the Nelson Mandela Rules, which define solitary confinement of prisoners as 22 hours or more a day without meaningful human contact. Prolonged solitary confinement refers to solitary confinement for a period exceeding 15 consecutive days. In 2020, the Washington State legislature passed legislation that prohibited the use of solitary confinement for juveniles in a detention facility/institution.
- This bill would restrict the use of solitary confinement in state and local correctional facilities. Except in cases of a facility-wide lockdown, medical isolation, or protective custody, an incarcerated person may not be placed in solitary confinement unless the person would create a substantial risk of immediate serious harm and a less restrictive intervention would be insufficient to reduce this risk. Except in cases of a facility-wide lockdown, an incarcerated person may not be placed in solitary confinement for more than 15 consecutive days, or for more than 45 cumulative days during a single fiscal year. An incarcerated person may not be denied access to food, water, or any other basic necessity, or appropriate medical care including emergency medical care.

Why Should We Support HB 1312?

Solitary confinement was originally introduced by the Quakers in 1839 as an alternative to the brutal conditions of the existing forms of imprisonment. It was seen as an opportunity for people to reflect on how to improve their lives, but it has had the opposite impact. Religious traditions of all kinds have opposed the use of solitary confinement, especially with no access to food, water, lighting, bathroom, and exercise. Solitary confinement negatively affects mental and physical health conditions and leads to long lasting psychological harm, anxiety, and trauma. Its impact continues to haunt individuals many years after release from incarceration. It is a form of sanctioned torture that dehumanizes society and also negatively affects families and correctional officers. It is time to move beyond this practice, and external pressure is needed.

Read more about bill 1312 [here](#).

3. Removing Barriers to Re-entry

a. What is Bill 1412?

This bill will reduce debt for post-incarcerated people. Description and talking points to follow.

Read more about bill 1412 [here](#).

b. What is the Housing Justice Act?

- **This act is sponsored by Rep. Simmons and will remove housing discrimination**
- **What will it do?**
The HJA (Housing Justice Act) would restrict landlord discrimination towards those who have a criminal record when seeking to apply for housing.

Why Should We Support the Housing Justice Act?

People of all faiths support any effort to limit discrimination of any kind. We also want to support every effort that furthers a successful reentry for those that have completed the time of their sentence.

More details to follow. There is no Bill number for this legislation yet. Please consider this statement on housing justice from the previously incarcerated:

“All of us, no matter our race, income, or past, should have a safe and healthy home where we pursue our careers, get an education, build a family, or work through recovery.

The Problem: But today, landlords are allowed to deny our rental applications based on a past conviction or arrest, labels that stay with us forever. While we hold jobs, care for our loved ones, go to school, and live our lives, many of us are trapped in unsafe living conditions with no way to build a rental history like our neighbors. Landlords, background check companies, and the media justify denying us opportunities by repeating false stereotypes that vilify us in the eyes of our community. And the current policy provides a way for landlords to deny housing to Black and Brown renters by using conviction history to legally discriminate based on race.

The Solution: Washingtonians with past convictions live and participate in all of our communities. If it was simple and inexpensive for us to find a stable home, the positive effects would ripple out into all other aspects of our lives and improve our community as a whole. If we come together across our differences of race, zip codes, incomes, and backgrounds, we can rewrite the rules to ensure all of us have the opportunity to live in a safe and healthy home in the same neighborhoods where we work, play, and care for our loved ones.

A few main points:

- Those of us with past convictions are working, going to school, taking care of family, and contributing to our communities just like any of our neighbors.
- A stable home is the foundation of everything else we need to live a safe and happy life.
- When all people are able to find a stable home, it makes our community a better place for all of us to live.
- Discrimination based on past convictions is one of many policies that continues to make it more difficult for Black and brown Washingtonians to find good homes in our preferred neighborhoods.

See more communications research about housing at housingnarrative.org.”