

CITY COUNCIL STUDY SESSION**2023 State Legislative Session Wrap-Up**

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DIRECTION NEEDED FROM COUNCIL**INFORMATION
ONLY**

The Washington State Legislature adjourned on April 23, after passing 2023-25 budgets and many bills related to Bellevue's state legislative priorities. This memo summarizes outcomes of the 2023 legislative session.

RECOMMENDATION

N/A.

BACKGROUND & ANALYSIS

The 2023 Washington State Legislative Session adjourned on April 23, having passed the 2023-25 operating, capital, and transportation budgets. The legislature considered more than 1,600 bills and ultimately passed 474 during the 105-day session. Major policy discussions included land use, affordable housing, homelessness, human services, public safety, and funding tools. Information is included below regarding major bills related to Bellevue's 2023 State Legislative Agenda. The governor then considered whether to veto, partially veto, or approve legislation and budgets approved by the legislature. The final day for the governor to take action was May 16.

2023-25 Operating, Capital, and Transportation Budgets

Operating: The operating budget funds all state agency operations, including K-12 education, the higher education system, social services, and more. The [2023-25 operating budget](#) appropriates \$69.8 billion, a net increase of \$2.4 billion, and leaves \$3.6 billion in reserves. The budget did not include any new tax increases. The largest allocation of new funding was for special education, school counselors, and nurses. Additionally, \$2.2 billion is allocated for pay increases for state employees. Funding was allocated to increase state reimbursement rates for privately run care operations, such as skilled nursing homes and assisted living facilities. Additional investments include \$44 million for local governments to integrate a climate change and resiliency element in comprehensive plans, \$111 million for emergency housing, shelter, and associated services, \$66 million in one-time funding to support local housing and homelessness programs, \$60 million in one-time funding for local governments to provide housing to individuals living in encampments, \$15.8 million for increased training capacity at the Basic Law Enforcement Academy, and more.

Capital: The state's biennial capital budget funds capital construction projects. The [2023-25 capital budget](#) appropriated \$9 billion, \$4.7 billion of which is financed with general obligation bonds and the remainder is allocated through accounts funded through specified revenue streams such as loan repayments or specific fees. \$95.4 million in bond capacity is reserved for the 2024 supplemental

capital budget. The legislature invested heavily in affordable housing, allocating \$400 million to the Housing Trust Fund, an additional \$40 million to the Housing Finance Commission's Land Acquisition Program, and \$60 million to fund utility connections to new affordable housing projects. Additional areas of investment include \$224 million for community-based behavioral health facilities, \$660 million for mental health state facilities, \$200 million for broadband connectivity, \$564.5 million for infrastructure including restoring the Public Works Assistance Account to historic funding levels, \$423.8 million for clean energy, energy efficiency and climate adaptation, \$798 million for water quality and stormwater grants, \$496 million for grants through the Recreation and Conservation Office, \$1.5 billion for higher education facilities, and \$827 million for K-12 public school construction. Because the capital budget is funded in part with general obligation bonds, it requires approval from two-thirds of each chamber and is traditionally a bipartisan budget. That tradition continued this year with the 2023 capital budget being approved with near unanimous approval from both the House and Senate.

Transportation: The [2023-25 transportation budget](#) funds the state's transportation system. The final 2023-25 transportation budget includes total appropriations of approximately \$13.5 billion and honors the delivery schedule of many major projects that were funded through the 2015 Connecting Washington package. It also schedules some projects from the 2022 Move Ahead Washington package over the next six years. To view the phasing of funds for specific projects, [click here](#). Climate Commitment Act revenues are invested in carbon-reducing programs and initiatives, including \$72.2 million for Safe Routes to Schools and \$72.1 million for Pedestrian and Bicycle Safety programs. The Complete Streets grant program is allocated a total of \$33.7 million. Other highlights include \$7 million to address homeless encampments on WSDOT right-of-way and \$2.5 million for WSDOT to work with cities, counties, ports, and private entities to develop recommendations for truck parking sites.

Budget Snapshot of Bellevue Priority Requests

- **Mini City Hall** (Community Service Center) is allocated \$500,000 in the operating budget.
- **Sewer Pump Station 12** is allocated \$1,030,000 in the capital budget.
- **Phasing of Mountains to Sound Greenway:** The transportation budget allocates \$300,000 in 2023-25 and \$6.6 million in future biennia (post 2027-29) to the Mountains to Sound Greenway. Next session, the city will request that the \$6.6 million be advanced to an earlier biennium.
- **Eastrail Corridor and I-90 Steel Bridge Design:** The transportation budget allocates \$6.0 million in construction dollars for the Wilburton Trestle. It did not advance funding for I-90 Steel Bridge design or cost estimation. New flexibility language for reimbursement to local jurisdictions was also included which could provide some opportunity to shift the phasing for this design phase.
- **SR 520/124th Ave NE Interchange:** Funding was restored for design and right-of-way in the 2021-23 and 2023-25 budgets. The budget still does not include construction funding.
- **Land Acquisition Matching Fund for Affordable Housing:** The legislature did not provide matching funds to help Bellevue purchase property for the development of 0-50% AMI housing units. This is something we would consider revisiting in a future legislative session.

Affordable Housing and Land Use

Creating the covenant homeownership account: The Senate approved [House Bill 1474](#) sponsored by Representative Jamila Taylor (D- 30th LD), which establishes and funds the Covenant Homeownership Program to provide down payment and closing cost assistance to economically disadvantaged households. The House approved a version of the bill earlier this session on a party-line vote that funded the Covenant Homeownership Program with a \$100 document recording fee. In the Senate, the Senate Ways & Means Committee proposed amending the bill to lower the document recording fee to \$50. However, progressive members of the Senate Democrat Caucus garnered the support to overrule the recommendation from the Ways & Means Committee, and the Senate approved a version of the bill with a \$100 document recording fee. The House concurred with the relatively minor amendments that were made in the version of the bill approved by the Senate. The bill was signed into law and takes effect July 23.

Incentives for Affordable Housing: [Senate Bill 5045](#), sponsored by Senator Patty Kuderer (D-48th LD), authorizes King County to offer a property tax exemption for accessory dwelling units (ADUs) that are rented to households whose adjusted income is at or below 60 percent of median household income for the county. Rent charged to the tenant must not exceed 30 percent of the tenant's monthly income, and the ADU must not be occupied by a person under the age of 60 who is an immediate family member of the taxpayer. The bill passed in the Senate 43-5. On April 7, the House passed the bill 59-38 on a mostly party-line vote with one excused. An amendment was adopted on the House floor to require the county providing the property tax exemption to establish policies to assist tenants upon expiration of an exemption. On April 13, the Senate concurred in those amendments. The bill was signed into law and takes effect July 23.

Increasing the supply of affordable housing by modifying the state and local real estate excise tax (REET): [House Bill 1628](#) would increase the state REET on certain properties and authorize cities to impose a 0.25 percent REET to fund affordable housing. As initially drafted, the bill would have increased real estate excise taxes on properties over \$5 million. The House Finance Committee amended the bill to change the provisions related to the state-imposed REET. Under the amended bill, properties valued between \$525,000 - \$750,000 would be subject to a 1.1 percent, rather than 1.28 percent REET. Properties over \$3,025,000 would be subject to a 3.5 percent, rather than a 3 percent REET. Ultimately, this bill lost momentum, missed the final cutoff, and failed to proceed this year.

Flexibility on affordable housing and mental health funding: [Senate Bill 5604](#) sponsored by Senator June Robinson (D- 38th LD) allows all jurisdictions rather than only smaller jurisdictions to use affordable and supportive housing sales tax credit revenues, commonly referred to as "1406 funds," for rental assistance. The bill also allows counties to use chemical dependency and mental health services sales tax revenue for modifications to existing facilities to address health and safety needs. The Senate passed the bill unanimously. On April 5, the House passed the bill unanimously with no amendments. The bill was signed into law and takes effect July 23.

Landlord/Tenant Policies: As previously reported, the three proposals concerning rent increases that were introduced this session did not advance. Only one bill concerning landlord/tenant policy was approved. [House Bill 1074](#) sponsored by Representative My-Linh Thai (D- 41st LD), requires landlords to provide documentation substantiating the cost of any damages withheld from a tenant's deposit. The bill was passed in both chambers on party-line votes. The bill was signed into law and takes effect July 23.

Middle housing types: [House Bill 1110](#) sponsored by Representative Jessica Bateman (D- 22nd LD) was approved by the Senate 35-14, with Republicans and two Democrats voting in opposition. As passed by the Senate, the bill addresses many of the elements highlighted by the City of Bellevue: 1) it provides an alternative compliance pathway allowing cities to implement the middle housing zoning density requirements in 75 percent of lots zoned for single-family residences, as long as those lots meet certain criteria; 2) provisions of the bill requiring cities to allow six units per lot near parks and schools were removed; 3) cities are required to allow four units per lot on all lots, and six units per lot within one-half mile of major transit stops; 4) the bill permits cities to allow accessory dwelling units to count toward the density required in the bill. The Senate Ways & Means Committee limited the impact of the bill on communities with a population of less than 75,000. The House voted to concur in the Senate's amendments on April 18. The bill was signed into law and takes effect July 23; however, cities have until their next comprehensive plan update to implement the bill's requirements.

Transit-oriented development: [Senate Bill 5466](#) sponsored by Senator Marko Liias (D- 21st LD) would have required cities to adopt "transit-oriented" densities near light rail stations and bus rapid transit stops. The transit-oriented densities were defined in the original version of the bill as a floor area ratio of 4 and 6, depending on distances to stations and stops. The Senate passed the bill 40-8. In the House, the bill faced significant challenges. Legislators and the Washington Low Income Housing Alliance argued that density mandates should be accompanied by required affordability. The House prime sponsor, Representative Julia Reed (D- 36th) held a series of stakeholder meetings where many implementation concerns raised by cities were addressed. The outcome of the stakeholder meetings was a new version of the bill with reduced distances, floor area ratios, provisions pertaining to displacement, required affordability, and more. Unfortunately, these changes were not sufficient to garner the necessary support for the bill in the House of Representatives, and the bill died with the opposite chamber cutoff deadline.

Use of existing buildings for residential purposes: [House Bill 1042](#) sponsored by Representative Amy Walen (D- 48th LD) requires cities to allow the addition of housing units within existing buildings in zones where multi-family housing is permitted. Cities would not be allowed to impose additional parking, design standard, or architectural requirements beyond those requirements applicable to all residential development within the building's zone. The bill provides an exception for buildings listed on a local, state, or national historic register. The House passed the bill unanimously in early February. In the Senate, the bill was amended to allow cities to require the retention of existing parking amenities for non-residential uses and to impose permitting requirements on emergency housing and transitional housing uses. Cities are also allowed to impose restrictions on housing unit density if the addition of housing units is over 50 percent more than what is allowed in the zone if constructed within the existing

building envelope. Additionally, the bill was clarified to apply only to existing buildings that are zoned for commercial or mixed use, and cities may continue to prohibit the addition of housing units on the ground floor of a commercial or retail building that is along a major pedestrian corridor. Further, an “existing building” is defined as one that has received a certificate of occupancy at least three years prior to the permit application to add housing units. Local ordinances or regulations necessary to comply with the bill are exempt from the State Environmental Policy Act (SEPA). The Senate passed the bill 45-3. The House concurred with the Senate amendments. The bill was signed into law and takes effect July 23.

Objective design review: [House Bill 1293](#) sponsored by Representative Mark Klicker (R- 16th LD) requires cities to apply only clear and objective design review standards to the exterior of new development, except for designated landmarks or historical districts. The House passed the bill 94-3, and the bill then moved on to the Senate where it was amended in the committee process. Most notably, the provision in the original bill providing a categorical exemption from the State Environmental Policy Act (SEPA) for residential housing within an urban growth area was removed (in large part because these provisions advanced in a separate bill). The Senate passed the bill unanimously with no further amendments. The House concurred in the Senate amendments. The bill was signed into law and takes effect July 23.

Accessory Dwelling Units: [House Bill 1337](#) sponsored by Representative Mia Gregerson (D- 33rd LD) requires cities to adopt certain regulations related to accessory dwelling units (ADUs). The bill passed in the House by a vote of 81-15, with a bipartisan mix of votes on both sides of the tally. In the Senate, the bill was amended significantly. In its final form, the bill requires cities to allow two ADUs per lot, removes the authority for cities to require owner-occupancy, limits impact fees that can be charged on ADUs, and regulates height, setbacks, gross floor area requirements, and other regulations. The Senate passed the bill by a vote of 39-7. The Senate amended the bill on the floor to prohibit cities and counties from requiring off-street parking for ADUs unless the local government submits an empirical study to Commerce demonstrating that a lack of off-street parking would be significantly less safe for vehicle drivers or passengers, pedestrians, or bicyclists. The House concurred with the Senate amendments.

Prior to signing the bill into law, Governor Inslee vetoed a section that would have allowed local governments to waive or defer fees, defer payment of taxes, or waive other regulations of the development of ADUs under certain conditions. The specified conditions are that the ADU must be located within an urban growth area, and the ADU must be subject to a locally adopted covenant program ensuring that the ADU will be primarily utilized for long-term housing. In a letter to the House, Governor Inslee stated that current law allows local governments to waive fees, taxes, and to establish various incentives for the construction of ADUs without requiring the creation of a local covenant program. The administrative costs necessary to administer a new covenant program for ADUs may cause some cities to discontinue current incentive programs. The bill was signed into law and takes effect July 23.

A similar proposal concerning accessory dwelling unit regulations, [Senate Bill 5235](#), sponsored by Senator Sharon Shewmake (D- 42nd LD), did not advance out of the House Rules Committee to receive consideration on the House floor.

Consolidating local permit review processes: [Senate Bill 5290](#) sponsored by Senator Mark Mullet (D- 5th LD), is the only prominent permitting bill to be passed by both chambers of the legislature. The bill was introduced at the request of the governor's office and establishes a permit review grant program and new project permit review deadlines for certain permit applications by which local governments must comply beginning in 2025. The bill was passed by the Senate in early March. Through the committee process, the House has amended the bill to make grant funds available for residential permits, and to make technical modifications to the project permit review timelines. The House unanimously passed an amended version of the legislation that allows local governments to modify the default permitting time periods by differentiating between residential and non-residential permits. The House also pushed out the timeline by one year by which local governments must determine the fee structure needed to process residential permit applications. The bill was signed into law and takes effect July 23.

Condominium legislation: [Senate Bill 5058](#) sponsored by Senator Mike Padden (R- 4th LD) exempts buildings with 12 or fewer units that are no more than two stories from condominium liability. The Senate passed the bill unanimously in February. In the House, the bill was approved by the policy committee and advanced to the House floor for a vote. On April 12, the House passed the bill unanimously. The bill was signed into law and takes effect July 23.

SEPA exemption for housing: [Senate Bill 5412](#) sponsored by Senator Jesse Salomon (D- 32nd LD) provides a State Environmental Policy Act (SEPA) exemption for projects that propose to develop residential housing units in an urban growth area or middle housing types within an unincorporated urban growth area that meet specific criteria. Counties and cities planning under the Growth Management Act may only apply objective development regulations governing the exterior design of new development, and they must consult with the Department of Transportation to determine if there are any operational deficiencies in the transportation system in connection with the proposed project. The Senate passed the bill unanimously. In the House, the bill was amended in committee to remove the sections related to design review process and requirements related to additional project review (in large part because these provisions advanced in a separate bill). The House passed the bill 95-2, with one Representative excused and two Democrats voting in opposition. The Senate refused to concur in the House amendments because a drafting error was identified. The House drafted a [new version](#) of the proposed amendments to address the drafting error with the intention of adopting those proposed amendments during the final week of the legislative session. The Senate concurred. The bill was signed into law and takes effect July 23.

Increasing supply and affordability of condominiums: [Senate Bill 5258](#) sponsored by Senator Sharon Shewmake (D- 42nd LD) addresses condominium builder liability to boost construction of condominiums and townhomes. The proposal requires that construction defect lawsuits brought by condo owners against builders include a report by construct defect professional describing the nature

and extent of the defect and recommendations for repair. The Senate Ways and Means Committee heard, amended, and approved the bill earlier this month. On March 31, the Senate passed the bill unanimously with an amendment to remove the requirement that real estate excise tax revenue from sales of condominiums or townhouses to individuals using down payment assistance from the Housing Finance Commission be deposited into the down payment assistance account. Instead, the amount of REET revenue from those home sales must be transferred from the state general fund to the down payment assistance account. The House Appropriations Committee amended the bill, and it was unanimously supported in both chambers. The bill was signed into law and takes effect July 23.

Transportation

Reducing Traffic Injuries and Fatalities: The legislature considered several proposals designed to improve traffic safety due to the historic high rate of traffic fatalities in the state in the past year. However, only one of those proposals was enacted. [Senate Bill 5272](#), sponsored by Senator Marko Liias (D-21st LD), authorizes the use of speed cameras on state highways when a work zone is present. The bill was heard and approved by the Senate Transportation Committee with an amendment limiting the use of speed cameras to when workers are present in a state highway work zone. The Senate passed the bill 47-2 on February 22, and it was passed by the House on March 24. The bill was signed into law and takes effect July 23.

Impact fee use for bicycle and pedestrian facilities: [Senate Bill 5452](#) sponsored by Senator Sharon Shewmake (D- 42nd LD), adds bicycle and pedestrian facilities that were designed with multi-modal commuting as an intended use to the definition of “public facilities” for which impact fee revenue may be spent to support new growth and development. The bill passed in the Senate by a vote of 34-14. On April 7, the House passed the bill 57-40 on a party-line vote. The bill was signed into law and takes effect July 23.

Per-mile charge on vehicle usage of public roadways: [House Bill 1832](#) sponsored by Representative Jake Fey (D- 27th LD) establishes a voluntary road usage charge program that places a per-mile fee of 2.5 cents per mile on motor vehicle usage of public roadways. This proposal is part of an ongoing dialogue on future revenue sources for the state’s transportation needs given that the current fuel tax is a declining revenue source. Although the bill was heard in the House Transportation Committee, momentum on the policy halted, and the bill missed the final cutoff.

Homelessness and Human Services

Crisis relief centers: [Senate Bill 5120](#) sponsored by Senator Manka Dhingra (D- 45th LD) requires the Department of Health to license 23-hour crisis relief centers, facilities that are open 24 hours per day, seven days a week, offering behavioral health to adults for no more than 23 hours and 59 minutes at a time. On April 7, the House passed the bill unanimously with one excused and adopted a striking amendment sponsored by Representative Timm Ormsby (D- Spokane) that establishes a pilot program rather than a licensing and certification process through the Department of Health. The pilot program would be limited to no more than five CRCs, located in different geographic areas of the state with

varying levels of population density. The pilot program would begin January 1, 2024 and end December 31, 2029. The Senate refused to concur with the House amendments that significantly narrowed the bill. The House receded from amendments and unanimously passed the Senate version. The bill was signed into law and takes effect July 23.

Supports for adults with lived experience of sex trafficking: [Senate Bill 5114](#) sponsored by Senator Claire Wilson (D- 30th LD), directs the Office of Crime Victims Advocacy (OCVA) to administer funds for healing, support, and transition services for adults who have been forced to perform certain commercial sex acts. It directs the OCVA to issue a request for proposals for service providers by September 1, 2023. The OCVA must prioritize funding for service providers in underserved areas of the state. The Senate passed the bill unanimously in early March. In the House the bill progressed through the committee process and advanced to the floor for a vote. On April 12, the House passed the bill 94-1. The bill was signed into law and takes effect July 23.

Climate and the Environment

Climate change in comprehensive planning: [House Bill 1181](#) sponsored by Representative Davina Duerr (D- 1st LD), is governor-request legislation that amends the Growth Management Act to add a goal of climate change and resiliency, and several other changes to existing elements and sub-elements. The House passed the bill last month by a vote of 57-41, mostly along party lines. The Senate approved the bill on a party-line vote of 29-20 on April 7. An amendment was adopted on the floor reflecting changes requested by local governments. The House concurred with the Senate amendments. The bill was signed into law and takes effect July 23.

Plastic pollution: [House Bill 1085](#) sponsored by Representative Sharlett Mena (D- 29th LD) prohibits the sale, distribution, and installation of certain plastic foam overwater structures, including foam blocks and floats. It further prohibits lodging establishments from providing personal health or beauty products in certain plastic containers or wrappers. It requires any construction in which a drinking fountain is required under the International Building Code to also require the provision of bottle filling stations. The House passed the bill unanimously. In the Senate, the bill received approval from its assigned policy and fiscal committees, and then advanced to the Senate floor for a vote. On April 8, the Senate passed the bill 37-11. The bill was signed into law and takes effect July 23.

Fiscal Sustainability, Financing Tools, and General Government

Preventing utility shutoffs for non-payment during extreme heat: [House Bill 1329](#) sponsored by Representative Sharlett Mena (D- 29th LD), by request of the Attorney General's Office, is aimed at preventing utilities from disconnecting customers for nonpayment during extreme heat. The bill has been significantly amended through the legislative process. As it currently stands, the bill prohibits utilities from involuntarily terminating water or electric service to a residential user during days for which the National Weather Service has issued certain heat-related alerts. Utilities are required to promptly make a reasonable attempt to reconnect service to a dwelling upon receipt of a reconnection requests for a day in which there are heat-related alerts in effect. Utilities are authorized to require a payment

plan prior to reconnecting service. In February, the House of Representatives passed an amended version of the bill by a vote of 64-31. In the Senate, the bill was advanced by the Environment, Energy, and Technology Committee. On April 10, the Senate passed the bill on a party-line vote of 29-20. The bill was signed into law and takes effect July 23.

Property tax levy growth: [Senate Bill 5770](#) sponsored by Senator Jamie Pedersen (D- 43rd LD) was introduced during the final weeks of the legislative session. The bill removes the current 1% property tax cap growth factor for state and local property taxes and replaces it with a 3% cap. The growth is tied to population change and inflation. The bill provides a 25% exemption on the state's base rate for seniors and veterans earning below a certain income threshold. The bill was referred to the Senate Ways & Means Committee and received significant discussion amongst members of the Senate Democrat Caucus. However, the bill ultimately lost momentum and missed the final cutoff.

Public Safety

Vehicular pursuits: [Senate Bill 5352](#), sponsored by Senator John Lovick (D- 44th LD), lowers the evidentiary threshold for engagement in vehicular pursuits from probable cause to reasonable suspicion for specific crimes: a violent offense, a sex offense, vehicular assault, and domestic violence assault. The Senate passed the legislation by a narrow margin of 26-23 last month. In the House, the legislation was amended in committee to require training on risk assessment analysis for pursuing officers so that they can gauge whether the risk posed by the individual being pursued outweighs the safety risk of engaging in the pursuit. On April 10, the House passed the bill with no further amendments by a vote of 57-40, with a bipartisan mix of votes on both sides of the tally. The Senate concurred with the House amendments. The bill was signed into law and takes effect May 23.

In a separate yet related effort on the vehicular pursuits issue, the Senate Operating Budget includes \$164,000 for the Criminal Justice Training Commission to convene a technical advisory committee to develop legislative policy recommendations relating to vehicular pursuits.

State v. Blake decision/controlled substance possession: [Senate Bill 5536](#) sponsored by Senator June Robinson (D- 38th LD), was defeated in the House by a vote of 43-55 on the final evening of the 2023 legislative session. The legislature appointed a conference committee to reconcile the differences between the Senate and House versions of the bill during the final week of the 2023 legislative session. The version of the bill recommended by the conference committee made possession of controlled substances a gross misdemeanor; however, it was drafted in a manner that made it challenging for jurisdictions to prosecute the crime. The ACLU of Washington, Washington Association of Sheriffs and Police Chiefs, and the Washington Association of Prosecuting Attorneys, and some individual cities urged legislators to vote no on the version of the bill recommended by the conference committee. Meanwhile, the Fraternal Order of Police, Washington Retail Association, and Municipal and District Court Judges urged legislators to vote in favor. Fifteen democrats voted against the bill, objecting to creating criminal penalties for the possession of controlled substances (similar objections to the ACLU). Republicans voted against the bill, arguing similar points to the Washington Association of Sheriffs and Police Chiefs and the Washington Association of Prosecuting Attorneys, concerned that the bill would

not create a functional consequence to motivate individuals to enter and complete treatment due to the challenges with being able to successfully prosecute the crime.

Following the legislature's adjournment, Governor Inslee called the legislature back for a special session to begin on May 16, tasked specifically with passing a statewide solution on *Blake*. The Legislature approved, with bi-partisan support, a version of the bill that does the following:

- Possession is a gross misdemeanor. Use in a public place is a gross misdemeanor and use is defined as ingesting, inhaling, injecting, or introducing a substance to the human body by any other means. Both are subject to a sentence up to 180 days, a fine no more than \$1,000, or both. If a defendant has 2 or more prior convictions, they may be sentenced up to 364 days, fined up to \$1,000, or both.
- Diversion by prosecutors and law enforcement is encouraged, not required. The bill provides additional procedures for defendants to seek pre-trial diversion. The bill is ambivalent on diversion method – law enforcement assisted diversion (LEAD), recovery navigator program (RNP), or an arrest and jail alternative program.
- For the diversion procedures specified in the bill, the Court may only grant motions for diversion if the prosecuting attorney agrees. The prosecuting attorney may divert additional charges related to substance use disorder for nonfelony offenses that are not crimes against people.
- If the prosecutor agrees, the court must approve the defendant's request for diversion if they (1) have no criminal convictions after the effective date of the bill; and (2) are only charged with possession or use, and not charged with other crimes. The court has discretion as to whether to approve the pre-trial diversion (even if the prosecutor agrees to it).
- Individuals must substantially comply with treatment for 12 months or by completing recommended treatment/services, whichever comes first.
- Local governments are preempted from regulating drug paraphernalia outside of harm reduction programs. This essentially makes possession for personal use of drug paraphernalia (syringes, pipes, etc.) legal. Selling and delivery and use of drug paraphernalia remains a misdemeanor under RCW 69.50.412.
- Opioid treatment programs, recovery residences, substance use disorder treatment facilities, and harm reduction programs, including safe injection sites, are added to the list of essential public facilities.
- Grant program for LEAD is established and funded at \$5 million for the biennium.

POLICY & FISCAL IMPACTS

Policy Impact

City Council adopted its 2023 State Legislative Agenda on November 21.

Fiscal Impact

The fiscal impacts of bills passed during the 2023 Washington State Legislative session still being determined.

OPTIONS

N/A

ATTACHMENTS

A. Bellevue 2023 State Legislative Agenda

AVAILABLE IN COUNCIL LIBRARY

N/A