

Respondent Name
Bob Ferguson
Complainant Name
Wayne Asmussen
Complaint Description
<p><u>Wayne Asmussen</u> <i>(Thu, 22 Dec 2022 at 4:53 PM)</i></p> <p>First, during the 2022 and 2021 legislative sessions, Bob Ferguson used public resources for the purposes of grassroots lobbying to support his professed legislative priorities. This took the form of (a) creation of "one pagers" urging support for specific bills by staff, (b) publication of these "one pagers" on the Washington State Attorney General Website, and (c) tweets by staff lobbying for passage of these specific bills. [as noted in the attached "AGTweets" document, these tweets were not signed by Mr. Ferguson, which means they were prepared by staff and not him personally].</p> <p>Per the PDC "...agencies must limit their communication to direct communication with elected officials or officer or employee of any agency (indirect or <u>grassroots lobbying</u> is not allowed)."</p> <p>With grassroots lobbying including "creating or maintaining websites, purchasing e-mail lists, or hiring someone to conduct other online activities"</p> <p>Second, the costs of the above listed lobbying activities were not included in the AG's public disclosure filings (above links to 2022 and 2021 PDC L-5 forms).</p>
What impact does the alleged violation(s) have on the public?
Improper use of public funds/resources for grassroots lobbying, lack of transparency into cost of this lobbying.
List of attached evidence or contact information where evidence may be found
<p>1. Link to Washington State AG's website "2022 Legislative Agenda" https://www.atg.wa.gov/2022-legislative-agenda</p> <p>2. Link to Washington State AG's website "2021 Legislative Agenda" https://www.atg.wa.gov/2021-legislative-agenda</p> <p>3. Link to Washington State AG's Q1 2022 PDC L-5 Form https://web.pdc.wa.gov/rptimg/default.aspx?batchnumber=L5-5059</p> <p>4. Link to Washington State AG's Q1 2021 PDC L-5 Form https://web.pdc.wa.gov/rptimg/default.aspx?batchnumber=L5-4388</p> <p>Attachments:</p> <p>a. MS Word document containing screenshots of Washington State AG tweets (AGTweets.doc)</p> <p>b. collection of PDF "one pagers" from Washington State AG's website's 2022 and 2021 Legislative Priorities in support of various proposed legislation (links are also included in the above links)</p>
List of potential witnesses
N/A
Certification (Complainant)
I certify (or declare) under penalty of perjury under the laws of the State of Washington that information provided with this complaint is true and correct to the best of my knowledge and belief.



Attorney General Bob Ferguson  @AGOWA · Feb 11

...

During Wednesday's [#waleg](#) Senate floor session to pass our AG request bill to ban the sale of high-capacity magazines, opponents brought up several gun lobby talking points. Here are the facts:

HIGH-CAPACITY MAGAZINES REALITY CHECK



Gun Lobby Talking Point #1: A ban on the sale of high-capacity magazines that hold more than ten rounds violates the constitution.



Reality: Seven federal courts of appeal have upheld laws prohibiting the sale of magazines that hold more than 10 rounds. There is currently no split or controversy in the federal courts of appeal on this issue.



[wa.gov](#)

Senate OK's bill to ban high-capacity magazine sales in historic vote


 219

 85

 232





Attorney General Bob Ferguson  @AGOWA · Feb 9

...

Several recent studies using real-world data from states that have banned the sale of high-capacity magazines show the policy can save lives. The evidence is overwhelming. [#waleg](#)

 99


 36

 234

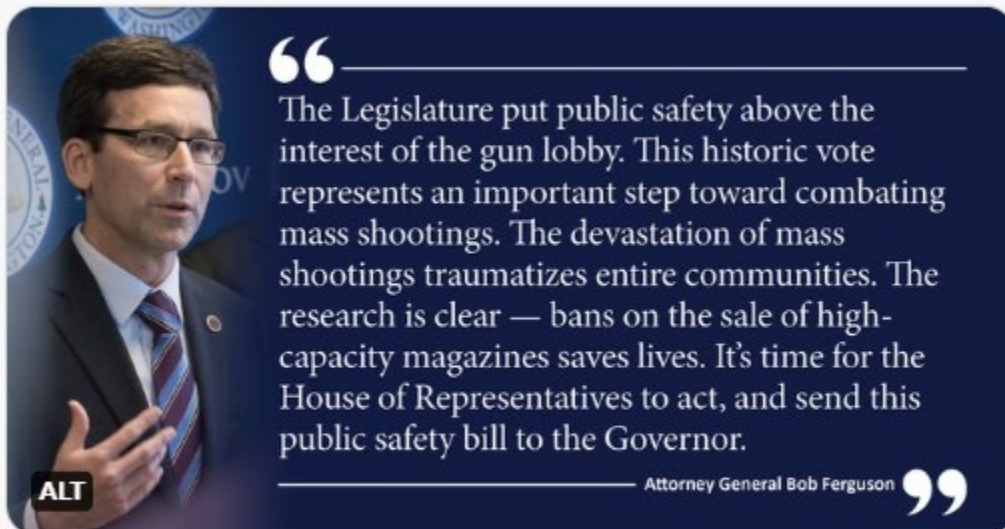


[Show this thread](#)



Attorney General Bob Ferguson  @AGOWA · Feb 9

...



 45

 17

 46



[Show this thread](#)



Attorney General Bob Ferguson ✓ @AGOWA · Feb 7

...

"Getting sick can put massive financial stress on our families. This is great news for WA veterans – also a good reason for the [#waleg](#) to pass SHB 1616 to expand access to financial assistance on hospital bills." – BF agportal-s3bucket.s3.amazonaws.com/uploadedfiles/...

consumerfinance.gov ✓ @CFPB · Feb 7

For veterans, getting sick or injured can often result in a heavy financial burden, including mounting medical debt, aggressive debt collection, and coercive credit reporting. Learn about @DeptVetAffairs' new policy to put veterans first. go.usa.gov/xtfKQ



1



4



9



Attorney General Bob Ferguson ✓ @AGOWA · Jan 4

...

"Nine states and the District of Columbia already ban high-capacity magazines, and seven federal courts of appeal have upheld the laws. There is no reason for Washington not to follow." Via [@SeaTimesOpinion](#)



seattletimes.com

Ban high-capacity magazines and assault weapons

Sixth time should be the charm for the Legislature to pass these common-sense gun control efforts.



18



14



55





Attorney General Bob Ferguson ✓

7,659 Tweets



Follow

Attorney General Bob Ferguson ✓

@AGOWA

Official Twitter account of the Washington State Attorney General's Office | Tweets by AGO staff unless signed "-BF" by AG Ferguson | retweet/follow≠endorsement

📍 Olympia, WA 🔗 atg.wa.gov 📅 Joined February 2009

4,620 Following 63.2K Followers



2021 AG REQUEST LEGISLATION

USE OF FORCE STATEWIDE DATA COLLECTION

What needs to change?

There is no single source of information where the public can obtain information about the use of force by law enforcement officers in Washington State. However, there is broad agreement that all Washingtonians deserve clear, comprehensive, and contextual information to better understand and reduce violent interactions between law enforcement and members of the public. With these insights, we can capture the complete information needed to enact equitable policies, begin to build trust through transparency, and measure the effectiveness of policing reform strategies.

Washington's 2016 Joint Legislative Task Force on the Use of Deadly Force in Community Policing overwhelmingly supported standardized data reporting.

What is the solution? - [SB 5259](#) / [HB 1092](#)

Pass legislation that:

- Requires law enforcement agencies to report data resulting from an officer's use of force against a member of the public on a quarterly basis.
- Assign Washington State University or its successor to:
 - receive use of force data;
 - create an easily searchable, public facing website to display that data; and
 - update that data on a quarterly basis.
- Requires an objective summary report that will go to the Legislature on an annual basis.

"With use of force in the public consciousness, the United States is in need of a systematic way to measure and track incidents."

– Police Chief Magazine

What are other jurisdictions doing?

Some local jurisdictions, including the Bellingham Police Department¹, Lynnwood Police Department², Spokane Police Department³ and Vancouver Police Department⁴ already share information with the public about a broad range of use of force incidents and the demographics of those involved.

- Spokane produces an annual report including:
- Incidents when the subject claims an injury resulting from a use of force, even if no injury is available
- All applications of lateral neck restraint
- Intentional pointing of a firearm

Prime Sponsors:

Sen. T'wina Nobles, D
Rep. John Lovick, D

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- 1: <https://cob.org/gov/dept/police/news-police/use-of-force-statistics>
- 2: <https://www.lynnwoodwa.gov/files/sharedassets/public/police-department/documents/other-reports/2019-force-pursuits-and-collisions.pdf>
- 3: <https://my.spokanecity.org/police/accountability/use-of-force/>
- 4: <https://www.cityofvancouver.us/police/page/use-force-data>



2021 AG REQUEST LEGISLATION

REGULATING FAIR BUSINESS PRACTICES AND PROHIBITING PREDATORY PRICE GOUGING DURING A STATE OF EMERGENCY

What needs to change?

Price gouging is a predatory business practice that takes advantage of people at their most vulnerable and desperate for the sake of profit. Price gouging is not an increase in price that is driven exclusively by the seller's increased costs.

Unlike the vast majority of states, Washington does not have any state law expressly prohibiting this practice. Consequently, Washingtonians are more vulnerable to price gouging and businesses are provided less certainty.

KEY
STAT

1,310
CONSUMER
COMPLAINTS



Since Governor Jay Inslee declared a public health emergency in response to the COVID-19 pandemic, the Attorney General's Office responded to **1,310 price gouging complaints** from Washingtonians. Washingtonians complained about extreme price increases for face masks, hand sanitizer, and other products necessary to prevent the spread of COVID-19.

What is the solution?

Price gouging during a state of emergency is harmful and unfair and should be prohibited by Washington law.

What does this legislation do? - [SB 5191](#)

- Provides a clear and unambiguous definition of price gouging;
- Includes a list of products, goods, and services to apply in different kinds of emergency situations consistent with price gouging statutes in other states;
- Allows businesses to recover costs incurred through external factors, such as supply chain or transport costs;
- Requires the Governor to trigger the legislation through a declaration of emergency;
- Establishes civil penalties for violations of cease and desist orders, and non-compliance with the statute.

What are other jurisdictions doing?

36 states¹ and the District of Columbia have statutes that explicitly prohibit price gouging during a state of emergency.

Prime Sponsor:

Sen. Jeannie Darneille, D

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1: [Alabama](#), [Alaska](#), [Arkansas](#), [California](#), [Colorado](#), [Connecticut](#), [Florida](#), [Georgia](#), [Hawaii](#), [Idaho](#), [Illinois](#), [Indiana](#), [Iowa](#), [Kansas](#), [Kentucky](#), [Louisiana](#), [Maine](#), [Massachusetts](#), [Michigan](#), [Mississippi](#), [Missouri](#), [New Jersey](#), [New York](#), [North Carolina](#), [Oklahoma](#), [Oregon](#), [Pennsylvania](#), [Rhode Island](#), [South Carolina](#), [Tennessee](#), [Texas](#), [Utah](#), [Vermont](#), [Virginia](#), [West Virginia](#), [Wisconsin](#).



2022 AG REQUEST LEGISLATION

CREATING AN ALERT TO HELP LOCATE MISSING INDIGENOUS WOMEN AND PEOPLE

What needs to change?

Indigenous women go missing in Washington State at rates higher than any other ethnic group.¹ An accurate count of how many are affected is difficult, making the scope of the problem uncertain. Additionally, indigenous women throughout the country experience a lack of media coverage and a disparity in information sharing when they are reported missing.²

Due to a variety of social, systemic and cultural barriers, adequately addressing the crisis of missing indigenous people throughout Washington State remains a challenge. Tribes, community members and grassroots activists have done substantial work to identify the challenges that directly impact the rates of violence against tribal and urban Indigenous communities, and to raise awareness about this issue.

By providing law enforcement and the general public with the tools necessary to be part of the solution, we can quickly and safely locate missing Indigenous women and people.

What is the solution? - [HB 1725](#)

Immediate action is essential. Endangered adult and Amber alerts have proven to be effective tools to quickly find missing people and bringing them home safe. Silver Alerts, for example, help to locate vulnerable adults diagnosed with Alzheimer's disease or other forms of dementia by broadcasting information on message signs, in highway advisory radio messages and by providing information to local and regional news agencies.

KEY
STATS

4X

Indigenous women go missing at a rate 4x higher than white women in Washington State.³

What are other jurisdictions doing?

This will be the country's first alert system specifically for missing and murdered Indigenous people. It can serve as a model for other states. 37 states, including Washington, have a Silver Alert system for missing vulnerable adults.

States that report Silver Alert data show high rates of success in locating missing individuals.⁴

What does this legislation do?

HB 1725 creates a Missing Indigenous Women and Persons Alert, patterned after Silver Alerts. When activated, the alerts allow law enforcement to provide messages to the public through press releases to regional media, radio stations and other outlets. When enough information is provided, messages may also go up on the variable message boards along highways.

Prime Sponsor:

Rep. Debra Lekanoff, D-40

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1: Echo-Hawk, A., Dominguez, A., Echo-Hawk, L., MMIWG: We Demand More, Seattle, WA: Urban Indian Health Institute (2019), <https://www.uihi.org/resources/mmiwg-we-demand-more/>

2: National Congress of American Indians, Research Policy Update: State of the Data on Violence Against American Indian and Alaska Native Women and Girls (2021), https://www.ncai.org/policy-research-center/research-data/prc-publications/NCAI_VAWA_Data_Update_2021_FINAL.pdf

3: Echo-Hawk, A., Dominguez, A., Echo-Hawk, L., MMIWG: We Demand More, Seattle, WA: Urban Indian Health Institute (2019), <https://www.uihi.org/resources/mmiwg-we-demand-more/>

4: Wisconsin: <https://www.cbs58.com/news/wisconsin-silver-alert-program-has-96-percent-success-rate>; Utah: <https://www.abc4.com/news/top-stories/95-success-utahs-new-silver-alert-system-has-helped-find-19-or-20-missing-seniors/>; Texas: <https://www.wfaa.com/article/news/verify/verify-do-silver-alerts-work/287-481452421#:~:text=Since%202007%2C%20when%20the%20alerts,That's%20a%2094%25%20success%20rate.>



2021 AG REQUEST LEGISLATION

LIMITS ON HIGH-CAPACITY MAGAZINES

Problem:

In 32 seconds, a 24-year-old armed with a 100-round double-drum magazine and an AR-15-type firearm killed or injured 36 people in a Dayton, Ohio nightclub. This was just one day after a mass shooting at an El Paso Walmart, where a white nationalist armed with multiple high-capacity magazines killed or injured 46 people, including children.

These high-capacity magazines – including that same 100-round double-drum magazine used in Dayton – are legal in Washington state.

KEY
STATS

762
FATALITIES

Since 1980, high-capacity magazines have been involved in at least 81 mass shootings [see back for more info], resulting in 762 fatalities and 1,154 persons injured.¹

- An analysis of mass shootings from 2009 to 2017 revealed that 58 percent involved high-capacity magazines, resulting in twice as many fatalities and 1,400% more injuries per incident compared to those that did not involve high-capacity magazines.²
- In many cases³, mass killers have been disarmed only when forced to reload.⁴

Solution:

Washington must prioritize public safety and limit high-capacity magazines. Limiting high-capacity magazines limits the number of deaths and injuries that a mass shooter can cause by providing a critical opportunity to intervene once a mass shooting has begun. Whether a state allows high-capacity magazine sales is the single best predictor of the mass shooting rates in that state.⁵

Legislation: [SB 5078](#) / [HB 1164](#)

The legislation sets a reasonable limit to the capacity of magazines that can be sold, possessed or transferred in Washington state – 10 rounds. The bill provides several exemptions including for law enforcement, military and recreational shooting ranges. It requires safe and secure storage for magazines grandfathered by possession on the effective date of the legislation.

Around the US:

Nine states⁶ already restrict magazine capacity – six of those states have a lower rate of gun violence than Washington.⁷ These laws restricting magazine capacity have been upheld in several federal courts of appeal decisions.⁸ The United States Supreme Court allowed those decisions upholding these laws to stand.

Key Support:

- Alliance for Gun Responsibility
- City of Seattle
- Everytown for Gun Safety
- Faith Action Network
- Foundation for Healthy Generations
- Governor's Office
- Grandmothers Against Gun Violence
- King County
- Providence St. Joseph Health
- Seattle Police Chief
- Seattle Police Department
- Snohomish County Prosecutor
- Washington Association for Substance Abuse and Violence Prevention
- Washington State Medical Association

Prime Sponsors:

Sen. Liias: D
Rep. Valdez: D

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1: Violence Policy Ctr., Large-Capacity Ammunition Magazines (2021), https://www.vpc.org/fact_sht/VPCshootinglist.pdf

2: Everytown for Gun Safety, Assault Weapons and High-Capacity Magazines (Mar. 22, 2019), <https://everytown.org/2019/03/22/2QEVgSc>.

3: In Parkland, Florida, the mass shooting ended only when the shooter's assault weapon jammed when he attempted to reload. In the 2011 Tucson shooting of then-Rep. Gabrielle Giffords (D-Ariz.), the mass shooting was interrupted when the shooter stopped to reload and dropped his magazine.

4: J. Levin and E. Madfis, "Rampage School Shootings" The Cambridge Handbook of Social Problems Vol. 2 (2018) P. 262

5: CNN, Here is one correlation between state gun laws and mass shootings (2017), <https://cnn.it/2RiVAGo>

6: Maryland, California, Colorado, Connecticut, New York, Massachusetts, New Jersey, Hawaii, and Vermont

7: State Firearm Deaths, Ranked by Rate, (2013), Violence Policy Center.

8: See *Worman v. Healey*, 922 F.3d 26, 30-31 (1st Cir. 2019), petition for cert. filed (U.S. Sept. 23, 2019) (No. 19-404); *Ass'n of N.J. Rifle & Pistol Clubs, Inc. v. Att'y Gen. N.J.*, 910 F.3d 106, 110 (3d Cir. 2018) (affirming the denial of a preliminary injunction); *Kolbe v. Hogan*, 849 F.3d 114, 135, 138 (4th Cir.) (en banc), cert. denied, 138 S. Ct. 469 (2017); *Fyock v. City of Sunnyvale*, 779 F.3d 991, 1001 (9th Cir. 2015) (affirming the denial of a preliminary injunction); *Friedman v. City of Highland Park*.



2021 AG REQUEST LEGISLATION

LIMITS ON HIGH-CAPACITY MAGAZINES

High-profile shootings involving high-capacity magazines (not exhaustive)

Location	Year	Magazine Size/Capacity	Victim Deaths	Injuries*
Dayton, Ohio	2019	100-round drum	9	27
Walmart, El Paso, TX	2019	30-rounds	22	24
Gilroy Garlic Festival, Gilroy, CA	2019	75-round drum, 40-rounds	3	13
Borderline Bar and Grill, Thousand Oaks, CA	2018	30-rounds	12 + 1 law enforcement officer	
Marjory Stoneman Douglas High School, Parkland, FL	2018	30-rounds	17	17
First Baptist Church, Sutherland Springs, TX	2017	30-rounds	26	20
Route 91 Harvest Festival, Las Vegas, NV	2017	100-rounds, 25-rounds, 40-rounds	58	500+
UPS Distribution Center, San Francisco, CA	2017	30-rounds	3	2
Cascade Mall, Burlington, WA	2016	25-rounds	5	
House Party, Mukilteo, WA	2016	30-rounds	3	1
Baton Rouge, LA	2016	Reports cite HCM over 10-rounds	3 law enforcement officers	3 law enforcement officers
Dallas, TX	2016	Reports cite HCM over 10-rounds	5 law enforcement officers	9 law enforcement officers, 2 citizens
Pulse Nightclub, Orlando, FL	2016	30-rounds	49	53
Excel Industries, Hesston, KS	2016	30-rounds	3	14
Inland Regional Center, San Bernardino, CA	2015	30-rounds	14	21
Umpqua Community College, Roseburg, OR	2015	15-rounds	9	8
Navy Operational Support Center, Chattanooga, TN	2015	30-rounds	5	2
Emmanuel African Methodist Episcopal Church, Charleston, SC	2015	15-rounds	9	1
Marysville-Pilchuck High School, Marysville, WA	2014	Reports cite HCM over 10-rounds	4	1
Apartment Complex, Hialeah, FL	2013	17-rounds	6	
Santa Monica, CA	2013	30-rounds	5	
Hendersonville, NC	2013	30-rounds	3	
Sandy Hook Elementary School, Newtown, CT	2012	30-rounds	27	2
Accent Signage Systems, Minneapolis, MN	2012	15-rounds	6	3
Sikh Temple, Oak Creek, WI	2012	19-rounds	6	2
IHOP, Carson City, NV	2011	20 and 30-rounds	4	7
Safeway Parking Lot, Tucson, AZ	2011	33 and 15-rounds	6	13

There are more than 40 mass shootings not listed, from 1981 to present, that involve HCMs of 15-rounds or higher.

*In some cases number of injuries are estimates and may include injuries resulting from gunfire and other circumstances.



2022 AG REQUEST LEGISLATION

BANNING THE SALE OF HIGH-CAPACITY MAGAZINES

What needs to change?

In 32 seconds, a 24-year-old armed with a 100-round double-drum magazine and an AR-15-type firearm killed or injured 36 people in a Dayton, Ohio nightclub. This was just one day after a mass shooting at an El Paso Walmart, where a white nationalist armed with multiple high-capacity magazines killed or injured 46 people, including children.

These high-capacity magazines – including that same 100-round double-drum magazine used in Dayton – are legal in Washington state.

KEY
STATS

792
FATALITIES

Since 1980, high-capacity magazines have been involved in at least 85 mass shootings [see back for more info], resulting in 792 fatalities and 1,160 persons injured.¹

- An analysis of mass shootings from 2009 to 2017 revealed that 58 percent involved high-capacity magazines, resulting in twice as many fatalities and 1,400% more injuries per incident compared to those that did not involve high-capacity magazines.²
- In many cases³, mass killers have been disarmed only when forced to reload.⁴

What is the solution? [SB 5078](#) / [HB 1164](#)

Washington must prioritize public safety and limit high-capacity magazines. Limiting high-capacity magazines limits the number of deaths and injuries that a mass shooter can cause by providing a critical opportunity to intervene once a mass shooting has begun. Whether a state allows high-capacity magazine sales is the single best predictor of the mass shooting rates in that state.⁵

What does this legislation do?

The legislation sets a reasonable limit to the capacity of magazines that can be sold, manufactured or transferred in Washington state – 10 rounds. The bill provides several exemptions including for law enforcement, military and recreational shooting ranges.

What are other jurisdictions doing?

Nine states⁶ already restrict magazine capacity – six of those states have a lower rate of gun violence than Washington.⁷ These laws restricting magazine capacity have been upheld in several federal courts of appeal decisions, including the 9th Circuit, which upheld California's ban on Nov. 30, 2021.⁸ The United States Supreme Court allowed those decisions upholding these laws to stand.

As the 9th Circuit ruled:

“Shooters who use large-capacity magazines cause significantly more deaths and injuries than those shooters who are equipped with magazine of smaller capacity.”

Key Support:

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- City of Seattle
- Everytown for Gun Safety
- Faith Action Network
- Foundation for Healthy Generations
- Governor's Office
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- King County
- Providence St. Joseph Health
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- Washington Association for Substance Abuse and Violence Prevention
- Washington State Medical Association

Prime Sponsors:

Sen. Liias: D-21
Rep. Valdez: D-46

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1: Violence Policy Ctr., Large-Capacity Ammunition Magazines (2021), https://www.vpc.org/fact_sht/VPCshootinglist.pdf

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3: In Parkland, Florida, the mass shooting ended only when the shooter's assault weapon jammed when he attempted to reload. In the 2011 Tucson shooting of then-Rep. Gabrielle Giffords (D-Ariz.), the mass shooting was interrupted when the shooter stopped to reload and dropped his magazine.

4: J. Levin and E. Madfis, "Rampage School Shootings" The Cambridge Handbook of Social Problems Vol. 2 (2018) p. 262

5: CNN, Here is one correlation between state gun laws and mass shootings (2017), <https://cnn.it/2RiVAG0>

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7: State Firearm Deaths, Ranked by Rate, (2013), Violence Policy Center.

8: See *Worman v. Healey*, 922 F.3d 26 (1st Cir. 2019), cert. denied, 141 S. Ct. 109 (2020); *Ass'n of N.J. Rifle & Pistol Clubs, Inc. v. Atty Gen. N.J.* ("ANRPC"), 910 F.3d 106, 113 (3d Cir. 2018); *Kolbe v. Hogan*, 849 F.3d 114, 129 (4th Cir. 2017) (en banc); *N.Y. State Rifle & Pistol Ass'n, Inc. v. Cuomo* ("NYSRPA"), 804 F.3d 242 (2d Cir. 2015); *Friedman v. City of Highland Park*, 784 F.3d 406 (7th Cir. 2015); *Heller v. District of Columbia*, 670 F.3d 1244 (D.C. Cir. 2011) ("Heller II"); *Duncan v. Bonta*, 19 F.4th 1087 (9th Cir. 2021).



2021 AG REQUEST LEGISLATION

LIMITS ON HIGH-CAPACITY MAGAZINES

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Cascade Mall, Burlington, WA	2016	25-rounds	5	
House Party, Mukilteo, WA	2016	30-rounds	3	1
Baton Rouge, LA	2016	Reports cite HCM over 10-rounds	3 law enforcement officers	3 law enforcement officers
Dallas, TX	2016	Reports cite HCM over 10-rounds	5 law enforcement officers	9 law enforcement officers, 2 citizens
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Excel Industries, Hesston, KS	2016	30-rounds	3	14
Inland Regional Center, San Bernardino, CA	2015	30-rounds	14	21
Umpqua Community College, Roseburg, OR	2015	15-rounds	9	8
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Emmanuel African Methodist Episcopal Church, Charleston, SC	2015	15-rounds	9	1
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Santa Monica, CA	2013	30-rounds	5	
Hendersonville, NC	2013	30-rounds	3	
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2022 AG REQUEST LEGISLATION

FREE PRIOR & INFORMED CONSENT

SB 5298

“By adopting ‘free, prior, and informed consent’ as the basis of his Administration’s interactions with Tribal Governments, Attorney General Ferguson has become a global standard bearer for recognizing the full sovereignty and political equality of Indigenous peoples.”

- Quinault Indian Nation Vice President and President of the National Congress of American Indians, Fawn Sharp

FPIC legislation requires that the Attorney General obtain free, prior, and informed consent before initiating programs or projects, under his or her independent authority,¹ that affect tribes, tribal rights, and tribal lands.

It also ensures that broad notice² on is given on issues that will affect tribes,³ tribal rights or tribal lands.

“In furtherance of strengthening partnerships between Indian tribes and my office, I am introducing legislation requiring my office to achieve free, prior and informed consent before initiating a project or program that directly and tangibly affects Indian tribes, rights, tribal lands and sacred sites. This will ensure that it is a policy that will remain in effect, regardless of who the Attorney General is in the future.”

- Attorney General Bob Ferguson

“By fully recognizing and respecting the sovereignty of Washington’s Tribes and working to improve communication and partnership with them, Attorney General Ferguson is showing real leadership, and the Snoqualmie Indian Tribe is proud to have collaborated with him on these groundbreaking new policies.”

- Snoqualmie Indian Tribe Chairman Bob de los Angeles

“By committing to work with Washington’s Tribes on the basis of true equality and collaboration, Attorney General Ferguson is demonstrating the vision and inclusive leadership we will need to confront immense challenges like climate change, homelessness, and the opioid crisis that impact all of Washington’s communities.”

- Samish Indian Nation Chairman Tom Wooten

“Attorney General Ferguson made a meaningful and historic step towards recognizing and honoring the full sovereignty of Washington’s Tribes.”

- Lower Elwha Klallam Chairwoman Frances Charles

Prime Sponsors:
Sen. Derek Stanford, D-1

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206-496-9126

1: It does not apply:

- Where doing so would be in conflict the Attorney General’s statutory duties as legal counsel to state officials, agencies, departments, boards, commissions and as legal representatives for the state
- Where it would conflict with the Rules of Professional conduct that govern the legal profession

2: This includes notice:

- Prior to proposing legislation
- After filing an amicus brief on an issue would affect tribes, tribal rights or tribal lands;
- After filing a ballot title, that, if approved, would affect tribes, tribal rights or tribal lands
- After a request for a formal Attorney General opinion has been accepted

3: Self-determination and sovereignty are sacred rights individually held by each of Washington’s 29 federally recognized Tribes. Therefore, the legislation does not request or require consensus from Tribes.



2021 AG REQUEST LEGISLATION

FREE PRIOR & INFORMED CONSENT

SB 5298

“By adopting ‘free, prior, and informed consent’ as the basis of his Administration’s interactions with Tribal Governments, Attorney General Ferguson has become a global standard bearer for recognizing the full sovereignty and political equality of Indigenous peoples.”

- Quinault Indian Nation President and President of the National Congress of American Indians Fawn Sharp

FPIC legislation requires that the Attorney General obtain free, prior, and informed consent before initiating programs or projects, under his or her independent authority,¹ that affect tribes, tribal rights, and tribal lands.

It also ensures that broad notice² on is given on issues that will affect tribes,³ tribal rights or tribal lands.

“In furtherance of strengthening partnerships between Indian tribes and my office, I am introducing legislation requiring my office to achieve free, prior and informed consent before initiating a project or program that directly and tangibly affects Indian tribes, rights, tribal lands and sacred sites. This will ensure that it is a policy that will remain in effect, regardless of who the Attorney General is in the future.”

- Attorney General Bob Ferguson

“By fully recognizing and respecting the sovereignty of Washington’s Tribes and working to improve communication and partnership with them, Attorney General Ferguson is showing real leadership, and the Snoqualmie Indian Tribe is proud to have collaborated with him on these groundbreaking new policies.”

- Snoqualmie Indian Tribe Chairman Bob de los Angeles

“By committing to work with Washington’s Tribes on the basis of true equality and collaboration, Attorney General Ferguson is demonstrating the vision and inclusive leadership we will need to confront immense challenges like climate change, homelessness, and the opioid crisis that impact all of Washington’s communities.”

- Samish Indian Nation Chairman Tom Wooten

“Attorney General Ferguson made a meaningful and historic step towards recognizing and honoring the full sovereignty of Washington’s Tribes.”

- Lower Elwha Klallam Chairwoman Frances Charles

Prime Sponsors:
Sen. Derek Stanford, D

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2022 AG REQUEST LEGISLATION

PROVIDING STIPENDS FOR LOW-INCOME OR UNDERREPRESENTED COMMUNITY MEMBERS OF TASK FORCES

What needs to change?

Representation matters. Public policy is strongest when impacted communities have an opportunity to participate in the process. Unfortunately, current state law generally prohibits state agencies, boards and commissions from compensating community volunteers for their participation in taskforces and similar groups.

It is imperative that the communities who are disproportionately burdened by government decisions have a meaningful opportunity to participate in developing policy. The legislative process is enriched by the perspectives of community and we can do more to ensure that community members don't disproportionately shoulder the burden for offering their valuable perspective.

What is the solution? - [SSB 5793](#)

Washington State can increase the participation of impacted communities by allowing agencies, boards and commissions to compensate low-income and underrepresented community members with valuable lived experience for their participation in state taskforces and similar groups. Examples of valuable lived experience include:

- Sexual assault survivors contributing to the state Sexual Assault Forensic Examination and Sexual Assault Coordinated Community Response Task Force;
- Youth contributing to task force focused on the youth safety and well-being reporting;
- Impacted family members contributing to the Missing and Murdered Indigenous Women and People Task Force; and
- Formerly incarcerated individuals and members of demographics disproportionately impacted by the criminal justice system contributing to the state Jail Standards Taskforce.

What does this legislation do?

SB 5793 removes barriers preventing low-income and underrepresented communities with valuable lived experience from participating on state taskforces and similar groups. It allows a stipend for up to \$200 per day as compensation to taskforce participants who are:

- a) Low-income, defined as at or below 400% of the federal poverty level; or
- b) have valuable lived experience that will help the taskforces and similar groups craft well-informed policy recommendations.

The bill also allows for travel, lodging, and child/elder care reimbursement for eligible individuals.

Prime Sponsor:

Sen. Claire Wilson, D-30th

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2021 AG REQUEST LEGISLATION

REPEAL WASHINGTON'S UNCONSTITUTIONAL DEATH PENALTY AND
REPLACE IT WITH LIFE IN PRISON WITHOUT THE POSSIBILITY OF PAROLE

What needs to change?

On October 11, the Washington State Supreme Court found that Washington's use of the death penalty is "racially biased," "arbitrary," and "lacks 'fundamental fairness.'"

Consequently, the Court unanimously ruled that Washington's use of the death penalty is unconstitutional. The Supreme Court's ruling converted the sentences for the state's eight death-row inmates to life in prison without release.

Why is this change necessary?

The Legislature faces a choice: either try to "fix" our broken death penalty to correct its unconstitutional application or abolish it and replace it with life in prison without the possibility of parole.

It's time to remove Washington state's broken and unconstitutional death penalty from our statute.

KEY
STAT

4.5X

A study submitted to the Supreme Court and reviewed by an independent court commissioner found that black defendants were four and a half times as likely as similarly situated white defendants to be sentenced to death.

Around the US:

North Dakota and Rhode Island legislatures repealed their death penalties after their state supreme courts ruled them unconstitutional as applied.

What's the solution? - [SB 5047](#)

Abolish the death penalty and replace it with life in prison without the possibility of parole.

"The death penalty is not a deterrent to crime and is unnecessary for public safety."

- The Seattle Times Editorial Board, 1/7/2019

"The Supreme Court left open the possibility that the Legislature could fix the death penalty. No current or future Legislature should be permitted to do so."

- The Seattle Times Editorial Board, 1/7/2019

Prime Sponsors:

Sen. Carlyle: D

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2022 AG REQUEST LEGISLATION

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Prime Sponsors:

Sen. Carlyle: D-36

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2021 AG REQUEST LEGISLATION

ADJUST THE MAXIMUM CONSUMER PROTECTION AND ANTITRUST PENALTIES

What needs to change?

Only four states have consumer protection penalties lower than Washington. The \$2,000 penalty has been unchanged since it was enacted more than 50 years ago. Adjusted for inflation, the penalty should be \$13,350.

Antitrust penalties have been similarly stagnant. They have also remained unchanged since enacted in 1983. If adjusted for inflation, the \$500,000 penalty should be \$1.3 million.

Unlike nearly half of states, Washington has no special penalties when scammers target vulnerable consumers.

Unlike private litigants, when the Attorney General's Office brings a consumer protection or antitrust case unsuccessfully, the state is responsible for paying the defendant's legal bills. Most states do not allow such "fee shifting" in these cases.

What is the solution?

Adjust the maximum consumer protection and antitrust penalties so they have the same financial impact legislators originally intended. Enact enhanced penalties when consumer protection violations target vulnerable consumers in order to better protect all communities. Treat the state like private litigants and protect taxpayers from paying a defendant's legal bills in consumer protection cases.

What does this legislation do? - [SB 5025](#)

- Adjusts the maximum penalty for Consumer Protection Act violations for today's dollars: \$13,350 per violation.
- Adjusts the maximum penalty for business violating Washington's antitrust laws for today's dollars: \$1.3 million.
- Treats the state like private litigants and does not make the state automatically responsible for a defendant's legal bills in unsuccessful consumer protection lawsuits.
- Creates an enhanced penalty for consumer protection violations that target vulnerable communities.

Prime Sponsor:

Sen. Christine Rolfes, D

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2022 AG REQUEST LEGISLATION

INCREASING ACCESS TO AFFORDABLE HEALTH CARE FOR LOW-INCOME WASHINGTONIANS BY EXPANDING CHARITY CARE ELIGIBILITY

What needs to change?

Too many low-income Washingtonians are one hospital bill away from financial ruin.

More than half of collection items nationwide are for medical debts.¹ In addition, communities of color are disproportionately underinsured and especially vulnerable to catastrophic and unexpected medical expenses.²

Charity care laws require hospitals to forgive some or all of the out-of-pocket costs for essential health care to low-income patients. But Washington's charity care law only covers those who make up to 200 percent of the federal poverty level — an individual who makes about \$27,000 per year, or \$36,620 for a two-person household. Full forgiveness is only available to those at or below the federal poverty level — about \$13,500 per year for an individual, or \$27,750 for a family of four. A single parent working two minimum wage jobs to make ends meet is not eligible for charity care under current law.³

What is the solution?

We can strengthen Washington's social safety net for low-income residents by expanding access to Charity Care. Several Washington hospital systems have already voluntarily increased Charity Care access for those who make up to 400 percent of the federal poverty level. The Legislature can standardize the benchmarks for eligibility statewide and increase access to affordable health care for more than 1 million Washingtonians, and increase financial assistance for another million Washingtonians whom are currently eligible.

KEY
STATS

2/3 About two-thirds of individuals who file for bankruptcy cite medical issues as a key contributor.⁴

1/5 The median bank account balance for Black households is about \$1,500, less than one-fifth the median balance for white households of \$8,200. Latino households have an average account balance of \$2,000.⁵

What are other jurisdictions doing?

Oregon passed a similar Charity Care expansion in 2019, with full write-offs for those up to 200 percent of the federal poverty level, and discounts up to 400 percent.

What does this legislation do?

This bill increases the threshold for full write-off of out-of-pocket medical costs to up to 300 percent of the federal poverty level for the majority of Washington hospital beds. In addition, it adds discounts for those up to 400 percent.

Affordable Hospital Care

Federal Poverty Level	2 Person HH Income	Current Law	HB 1616 Sub: Category 1 Hospitals (80% of all beds)	HB 1616 Striker: Category 2 Hospitals (20% of all beds)
0-100%	Up to \$18,310	No out-of-pocket costs	No out-of-pocket costs	No out-of-pocket costs
101-200%	\$18,311-\$36,620	Sliding scale discounts*	No out-of-pocket costs	No out-of-pocket costs
201-250%	\$36,621-\$45,775	Not eligible	No out-of-pocket costs	75% Discount*
251-300%	\$45,776-\$54,930	Not eligible	No out-of-pocket costs	50% Discount*
301-350%	\$54,931-\$64,085	Not eligible	75% Discount*	No Mandatory Discount
351-400%	\$64,086 - \$73,240	Not eligible	50% Discount*	No Mandatory Discount

* Hospitals may factor patient's assets

Prime Sponsor:

Rep. Tarra Simmons, D

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1: Consumer Financial Protection Bureau, "Consumer Experiences with Debt Collection: Findings from the CFPB's Survey of Consumer Views on Debt," January, 2017, https://s3.amazonaws.com/files.consumerfinance.gov/f/documents/201701_cfpb_Debt-Collection-Survey-Report.pdf
2: Kaiser Family Foundation, "Health Coverage by Race and Ethnicity 2010-2019," July, 2021, <https://www.kff.org/racial-equity-and-health-policy/issue-brief/health-coverage-by-race-and-ethnicity/>
3: 52 weeks x \$14.49 (Jan. 1, 2022) x 50 hours per week = \$37,674; 200% of FPL = \$36,620
4: CNBC, "This is the real reason most Americans file for bankruptcy," February, 2019, <https://www.cnbc.com/2019/02/11/this-is-the-real-reason-most-americans-file-for-bankruptcy.html>
5: AdvisorSmith, "Average U.S. Savings Account Balance," June, 2021, <https://advisorsmith.com/data/average-savings-account-balance/>



2021 AG REQUEST LEGISLATION

BAN THE SALE OF MILITARY STYLE ASSAULT WEAPONS

Problem:

Assault weapons have been used in some of the deadliest shootings over the last decade and are becoming increasingly more popular in mass shootings.¹ Assault weapons are semi-automatic weapons with at least one military-style feature [see picture on back] and the weapon design itself, including modifications, makes the weapons easier to fire and allows them to fire more accurately and rapidly than a typical hunting rifle.

In fact, a standard AR-15 .223 caliber bullet travels at 3,251 feet per second and delivers 1300 foot pounds of kinetic energy. By comparison, the bullet of a 9mm handgun travels at 1,200 feet per second and delivers a kinetic energy of 400 foot pounds.

"I am a trauma surgeon, and I've seen what AR-15s can do... a typical 9mm handgun wound to the liver will produce a pathway of tissue destruction in the order of 1-2 inches. In comparison, an AR-15 round to the liver will literally pulverize it, much like dropping a watermelon onto concrete results in the destruction of the watermelon."

- Dr. Ernest E. Moore

Solution:

Washington must prioritize public safety over personal hobbies and take steps to ban the sale of dangerous assault weapons.

KEY
STATS

11X

Assault weapons are 11 times more likely to be used in a mass shooting than a handgun.²

7X

They are also 7 times more likely to kill law enforcement compared to any other firearm.³

6X

"When assault weapons are used in a mass shooting, 6 times as many people are shot" -Everytown for Gun Safety

Around the US:

Seven states⁴ have passed similar legislation banning these weapons. Multiple federal courts⁵ have upheld these public safety bans as constitutional and the Supreme Court has allowed these decisions to stand as good law.

Legislation: [SB 5217](#) / [HB 1229](#)

This legislation prohibits the sale, manufacture, transfer, transport, and import of assault weapons in Washington state. It also requires safe and secure storage for those weapons that will be grandfathered by possession on the effective date of the legislation and allows reasonable exemptions for law enforcement, military members, and shooting ranges.

Key Support:

- Everett Herald
- The Seattle Times

Prime Sponsors:

Sen. Kuderer: D
Rep. Peterson: D

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1: Huffington Post, "Here's What You Need To Know About The Weapons Of War Used In Mass Shootings," Feb. 14, 2018, <https://bit.ly/35E3jm8>.

2: Independent AGO analysis of mass shooting data compiled by Mother Jones.

3: Violence Policy Center, "Officer Down, Assault Weapons and the War on Law Enforcement," May, 2003, <https://bit.ly/2tIcMMg>.

4: California, Connecticut, Hawaii, New York, New Jersey, Maryland, Massachusetts

5: *Shew v. Malloy*, No. 15-1030 (2nd Cir. 2015), cert. denied; *Friedman v. Highland Park*, No. 14-3091 (7th Cir. 2015), cert. denied; *Stephen v. Kolbe*, No. 14-1945 (4th Cir. 2017), cert. denied.



2021 AG REQUEST LEGISLATION

BAN THE SALE OF MILITARY STYLE ASSAULT WEAPONS

Anatomy of an Assault Weapon



Telescoping stock: More compact for better maneuverability

Detachable High Capacity Magazine: Allows rapid reloading for sustained fire

Forward Grip: Provides greater control over recoil for rapid fire

Pistol Grip: Provides greater control during rapid fire

Combination Flash Suppressor and Muzzle Brake: Reduces muzzle climb and preserves shooter's eyesight



2022 AG REQUEST LEGISLATION

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Prime Sponsors:

Sen. Kuderer: D-48
Rep. Peterson: D-21

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