JAY INSLEE
Governor

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PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATIONS 20-05

20-47
Criminal Justice - Limitation of Actions

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout Washington State as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-46, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State, significantly increasing the threat of serious associated health risks statewide; and

WHEREAS, the COVID-19 pandemic is causing a sustained global economic slowdown, which is causing an economic downturn throughout Washington State with layoffs and reduced work hours for a significant percentage of our workforce due to the closure of nonessential businesses, and has also impacted the ability of essential functions, like our courts, to be fully accessible and operational; and

WHEREAS, in response to the COVID-19 pandemic and consistent with directives from public health agencies such as the World Health Organization, the federal Center for Disease Control and Prevention, and the State of Washington Department of Health, the Governor has issued amendatory Proclamations 20-25 and 20-25.1 ("Stay Home, Stay Healthy") restricting Washington residents' movement outside their homes; and

WHEREAS, directives issued by the Governor, limited court access ordered by the judiciary, directives from public health authorities, and other restrictions enacted in response to the COVID-19 pandemic, make access to Washington State courts extremely limited and restrict court operations; and

WHEREAS, current statutes limit prosecutors' and courts' ability to file and process criminal cases during the COVID-19 pandemic, and temporarily waiving and suspending some statutes of limitation and other timelines will help courts maintain the criminal justice system during the COVID-19 pandemic; and

WHEREAS, preserving the rights of individuals to petition the court for post-conviction relief is essential to our system of justice, and current statutes also limit an individual's right to seek such relief; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05, as amended, remains in effect, and that Proclamation 20-05 is amended to waive and suspend specified statutes that limit prosecutors' and courts' ability to file and process criminal cases, and is also amended to waive and suspend statutes that limit an individual's right to seek post-conviction relief, during the COVID-19 pandemic.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

As a result of this event, I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

FURTHERMORE, based on the above situation and under the provisions of RCW 43.06.220(2)(g), I also find that strict compliance with the following statutory and regulatory obligations or limitations will restrict the ability of prosecutors and courts to file and process criminal cases, and will restrict

the ability of individuals to seek post-conviction relief, and prevent, hinder, or delay the ability of our criminal justice system to respond to the COVID-19 pandemic State of Emergency under Proclamation 20-05, and that the portion or language of each statutory and regulatory provision specified below is hereby waived and suspended in its entirety, except as otherwise provided herein, until midnight on May 14, 2020:

1. RCW 9A.04.080(1)(b)-(k)
2. RCW 10.73.090

Violators of this of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 14th day of April, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/
Jay Inslee, Governor

BY THE GOVERNOR:

/s/
Secretary of State