

LEGISLATIVE SESSION SUMMARY 2010

April 19, 2010

Here is our last update for the 2010 legislative session. This state legislative session was a supplemental budget year, meaning that though the Legislature passed budget legislation in 2009 to fund state programs for the current biennium (July 2009 – June 2011), it had to pass another budget to make adjustments to the one passed last Spring. The Legislature adjourned on April 13 after going into a special session as it had not completed its work by the March 11 adjournment date.

Following is a summary of the status of WSCADV's legislative priorities for the 2010 session. To review a more detailed summary of issues WSCADV worked on during the 2010 state legislative session, see our previous Legislative Updates at: www.wscadv.org/PublicPolicy.cfm.

To view the full text of new laws or legislation, go to the Washington State Legislature webpage at <http://apps.leg.wa.gov/billinfo/> and input the bill number.

State Budget/Funding

HB 2824, SB 2921, SB 6444, and HB 2836, SB6364, Proposed supplemental operating and capital budgets-

WSCADV's highest priority this legislative session was protecting funds for domestic violence services and advocacy, including shelters, domestic violence legal advocacy, and funding for domestic violence services for underserved victims. These are some of the final budget numbers for areas relating to domestic violence victims and services (pending the Governor's signature of the budget bill):

- **Domestic violence shelter program** funding is preserved.
- **Domestic violence legal advocacy** funding is reduced by approximately 1.8% or 27,000.
- Funding for **civil legal services** is reduced by .5% or \$121,000.
- \$ 8.69 million reduction to the **General Assistance-Unemployable (GA-U)** program by restructuring the program into the "Disability Lifeline" program-which would cap benefits for 24 months in a 60 month period, and requiring individuals to participate in treatment services

- \$ 9.13 million reduction to the **Workfirst** program by reducing sanction time periods before individuals are terminated, instituting a “cure” period for individuals who leave Workfirst while being sanctioned, suspending Community Works programs, and reducing Jobsearch activities
- \$ 5.92 million reduction in **Federal Tax Intercepts** payments to families, suspending redistribution of federal tax refund payments to former TANF families
- Over \$4.3 million reduction for **Crime Victims’ Compensation** benefit eligibility and reimbursement rates.
- \$ 30 million increase in the **Housing Trust Fund**, as well as \$3.4 million for **Housing Trust Fund Operations and Maintenance** and **Portfolio Management**
- \$1 million increase for the **Washington Families Fund**
- \$2 million increase to the **Homeless Grant Assistance Program**

The legislature also passed various cost-cutting measures affecting state government, including:

HB 2921 makes adjustments to the 2009-2011 biennial budget, reducing expenses by approximately \$54.8 million. In addition, it bars State agencies with some exceptions from creating new positions and filling vacant positions, from entering into personal service contracts, from purchasing equipment over \$5,000, and from paying for out-of-state travel for the remainder through July 1, 2011.

An exception process is established for critically necessary work of an agency when approved by the director of the Office of Financial Management for nonjudicial and non-legislative agencies, the Chief Justice of the Supreme Court for judicial agencies, and the Secretary of the Senate and Chief Clerk of the House of Representatives for legislative agencies. Authorized exceptions must be published electronically at least quarterly on the state fiscal website.

SB 6503 reduces state spending through mandatory and voluntary state employee furloughs, leave without pay, reduced work hours, voluntary retirements and separations, layoffs, and other methods. State agencies are mandated to save at least \$48 million through these reductions, with at least \$10 million in savings will be from management positions exempt from civil service. Exceptions to the reductions include state corrections and social service institutions, child protective services, law enforcement, military operations, state hospitals, emergency management, state parks, highways, and ferries, the Department of Revenue, Insurance Commissioner, Attorney General, higher education classroom instruction and student employees, state liquor stores, state lottery, unemployment insurance and reemployment services, workers compensation and workplace safety programs, agricultural commodity commissions and food inspections, employees necessary to protect state assets and public safety, and state legislative agencies, the Office of Financial Management, the Governor, and Lieutenant Governor during legislative sessions.

Legal System Response to Domestic Violence

ESHB 2777- Modifying Domestic Violence Provisions

Prime Sponsor: Representative Roger Goodman

Originally, this bill contained changes to the criminal felony sentencing grid and provides that courts should count past domestic violence misdemeanor offenses in increasing sentences for repeat domestic violence offenders, though it uses a different formula in determining the weight of prior offenses. It was amended to incorporate the provisions of 3 other bills, including HB 2778, HB 2427, and SB 6323.

In the end this bill amended various provisions of the RCW relating to domestic violence, including provisions relating to law enforcement, protection orders, sentencing, perpetrator treatment, and disposition of a deceased individual's remains when the death is a result of a domestic violence homicide.

The Law Enforcement Provisions: Provide direction for a law enforcement officer to consider whether a domestic violence incident was part of an ongoing pattern of abuse, and require the Washington Association of Sheriffs and Police Chiefs to develop a model policy regarding the reporting of domestic violence in cases where a victim cannot make a report in the jurisdiction where the incident occurred (*this model policy provision was vetoed by the Governor*).

The No-Contact Order and Protection Order Provisions: Direct prosecutors to provide courts with the defendant's criminal history before a judge decides pre-trial release or whether to issue a no contact order; Clarify that teenagers can seek domestic violence protection orders against a respondent over age 16 in a dating situation; Clarify when a court has personal jurisdiction over a respondent who is out of state in a protection order, anti-harassment order, or sexual assault protection order case; Amend the DV protection order statute to provide protections against cyberstalking; Require courts to use No-Contact Order forms that substantially comply with the statewide pattern form; Direct the Washington State Supreme Court to develop a model policy governing how victims can access courts to seek rescission of a No-Contact Order; and Direct AOC to amend the Law Enforcement Information Sheet to provide more direction for petitioners to include information about a respondent who has brain injury or cognitive disabilities and to develop guidelines to address how courts should reconcile conflicting No-Contact, Protection, and Restraining Orders.

The Sentencing Provisions: Amend the sentencing grid in DV felony cases, by providing that if the present conviction is for a felony domestic violence offense, an offender receives one point for each prior adult repetitive domestic violence offense where domestic violence (ie misdemeanor DV cases) was plead and proven, and two points (double score) for each prior adult and second and subsequent juvenile offense involving certain domestic violence crimes; Amend the felony sentencing guidelines to include a mitigating circumstance (re: victim defendants); Direct courts in misdemeanor cases, to consider and make a finding whether DV was committed in the presence of minors or the defendant suffered a continuing pattern of coercive control and abuse, and the offense was in response to that control and abuse; and Provide that courts can

have authority over misdemeanor criminal domestic violence offenders for up to five years for the purposes of monitoring compliance with the terms of their sentences.

The Treatment/ Services Provisions: Specify that providers who conduct domestic violence perpetrator treatment must be certified, and provide DSHS authority to conduct on-site monitoring for compliance with perpetrator treatment standards;

The Miscellaneous Provisions: Designate who has control over a deceased person's remains, stating that if that particular individual is arrested or charged with killing the deceased person that the right to decide goes to the next person designated by law; and direct AOC to convene a workgroup to address the issue of revoking pistol licenses in cases involving Protection or No-Contact orders.

Economic Security

HB 3141-Redesigning Delivery of Temporary Assistance for Needy Families

Prime Sponsor: Representative Ruth Kagi

Originally, this bill placed an increased emphasis on economic self-sufficiency for families receiving TANF, by increasing stability of access to childcare for families in the Workfirst Program, clarifying the definition of "hardship" for eligibility for exemptions from the Workfirst program (including addressing family violence), requiring DSHS to collaborate with the family to develop a transition plan before the family leaves TANF, and providing clearer direction to DSHS about how families on TANF should be supported, via employment, career development, or disability support.

The Governor vetoed numerous provisions of this bill, leaving provisions that provide for authorization of Working Connections Childcare for 12 month time-periods, and provide for the Community Jobs program in Washington law.

HB2782: An act relating to establishing the security lifeline act

Prime Sponsor: Representative Marylou Dickerson

This bill redesigns the General Assistance Program, creating a new program, called the Disability Lifeline program. The program provides for a time limit of 24 months in a five-year period, effective September 1, 2010 through June 30, 2013. A Disability Lifeline housing voucher program is also created, that will be administered by the Department of Commerce. This program will be for persons who are homeless and have been assessed as in need of chemical dependency or mental health treatment. In areas where housing is available under this new program, individuals will receive a housing voucher and a \$50 cash stipend instead of the GA-U monthly grant.

The legislation requires that DSHS contract with a managed health care system or other qualified entity to operate a project aimed at screening and quickly transitioning individuals with a disability who are likely to qualify for federal disability benefits into the Disability Lifeline Expedited Program, now known as GA-X. The pilot is to begin in King, Pierce and Spokane counties by July 1, 2010 and be expanded statewide by October 1, 2011.

E2SHB 2782 also requires the creation of an “Opportunity Portal,” a web-based universal application/benefit portal that is designed to make it easier for low-income families and individuals to apply for and access a broad array of services and benefits. Creation of the “Opportunity Portal” is contingent upon the state securing private funding by December 2010.

In addition, the bill requires the expansion of the Basic Food Employment and Training program to three additional community college or community-based locations and increased capacity at existing locations. Recipients of Basic Food, unless exempt, are required to participate in the program which included job search workshops and assistance with job placement.

Legislation Supported by WSCADV that Failed

Housing

HB2622: The Fair Tenant Screening Act-

Sponsors: Representative Tina Orwall

This bill would have required that a prospective tenant receive an identical copy of a tenant screening report and any updates that are sent to a landlord or other entity within 48 hours, requires that a tenant screening service not collect more than one fee for issuing tenant screening reports for the same tenant within a 60 day period, that a prospective tenant who provides a comprehensive screening report no more than 60 days old is not responsible to pay for an additional tenant screening report. In addition, this bill would have require written notice with explanation if a person takes an adverse action involving an application for the rental or lease of residential real estate, prohibits a tenant screening company from reporting that individuals are by protected domestic violence protection or other victim protection orders, and prohibit tenant screening reports from including eviction suits that are seven years old or where the consumer is not found to be a responsible party.

HB 2900- Addressing Supportive Housing

Prime Sponsor- Representative Roger Goodman

This bill designated that, in giving priority for granting Homeless housing funds, the Department of Commerce should include applications that include supportive housing for individuals with mental illness, chemical dependency, or other disabling conditions, provided that the housing providers engage tenants in supportive services, but do not mandate them as a requirement for tenancy.

HB 3177 – Concerning funds for certain affordable housing purposes-

Prime Sponsor: Representative Sharon Nelson

This bill provided for funding for the Housing Trust Fund Account through a \$62 surcharge on each assignment or substitution of a previously recorded deed of trust recorded with a county auditor.

Legal Response to Domestic Violence

HB 2778- Relating to Domestic Violence

Prime Sponsor-Representative Roger Goodman

This bill would have amended various provisions of the RCW relating to domestic violence, including provisions relating to law enforcement, protection orders, sentencing, perpetrator treatment, and disposition of a deceased individual's remains when the death is a result of a domestic violence homicide. Though this bill did not pass, most of its provisions were amended onto HB 2777, except the provisions that clarified that it is a state law crime for individuals restrained by a Protection Order to possess firearms; and those that amended the Crime Victims Compensation Statute to allow for benefits for children who are present at a domestic violence incident (although they might not be direct victims of the violence).

HB 2427/SB 5208,6203 - Increasing Penalties for Domestic Violence

Offenders-Request Legislation by the WA State Attorney General

Prime Sponsors: Representative Kirk Pearson and Senator Dale Brandland

These bills altered the criminal felony sentencing grid and provided that courts should count past domestic violence misdemeanor offenses in increasing sentences for repeat domestic violence offenders. Though these bills did not pass, their provisions were amended onto HB 2777.

HB 2827- Relating to the release of a person arrested and detained for domestic violence

Prime Sponsor: Representative Tom Campbell

This bill specified that an individual who is arrested and detained for a crime involving domestic violence may not be released from custody on bail or personal recognizance until the person has appeared before the court at the preliminary appearance or arraignment.

SB 6277-Disposition of Human Remains

Prime Sponsor-Senator Joseph Zarelli

This bill designated who has control of a deceased persons' remains in the case the deceased person has not designated how his or her remains will be taken care of. In the event that the person who legally has the right of control over the remains has been charged with first or second degree murder or first degree manslaughter in connection with the decedent's death, the right of control is given up and passed on to the next person or group of persons on the list. Though this bill did not pass, its provisions were included in HB 2777.

Legislation Opposed by WSCADV that Passed

HB 2770/SB 6504-Reducing Crime Victims Compensation Benefits, Request legislation from the Department of Labor and Industries

Prime Sponsors: Representative Al O'Brien, Senator Jim Hargrove

This bill reduces crime victim compensation (CVC) benefits, limiting payments for any claim to \$50,000 (current rules are \$190,000). The bill caps benefits for burial expenses at \$5,750, if the claim is filed within one year of the homicide. The bill also removes the currently available \$7,500.00 lump sum payment for a surviving spouse or child if the victim was not gainfully employed at the time of the criminal act. The bill limits benefits of any victim who becomes permanently and totally disabled as a result of a criminal act by limiting it to a percentage of the average monthly wage in the state, rather than the current practice of calculation of a certain percentage of the victim's monthly wage. Total compensation for a permanent partial disability is limited to \$22,000, reduced from \$30,000. Time loss compensation is disallowed for any person who was not gainfully employed at the time of the criminal act, unlike current law, which allows time loss for anyone who'd been employed for three out of the 12 months preceding the criminal act, and disallows compensation for a victim who has been convicted of a felony during the 5 years prior to the criminal act, if the felony is a violent crime or crime against persons.

Legislation Opposed by WSCADV that Failed

Privacy

HB 3111, SB 6318-Mandatory Reporting of Gunshot Wounds-

Prime Sponsors: Representative Brad Klippert and Senator Mike Carrell

This bill mandates that hospitals must report to a local law enforcement authority specific information about conscious patients who are being treated for a bullet or gunshot wound.

Other Legislation of Interest

SHJR 4220/SJR 8224 Amending the State Constitution to Address Bailable Crimes-By Request of Governor Gregoire

Sponsors: Representative Mike Hope, Senator Adam Kline

These resolutions, called the Lakewood Law Enforcement Memorial Act, proposed an amendment to the state constitution to give judges discretion to deny bail to a person charged with a crime if only denial of bail would reasonably assure public safety. The resolution was ultimately amended to be limited to its application in capital cases and cases in which the maximum sentence is life imprisonment, upon a showing by of a propensity for violence that creates a substantial likelihood of danger to the community or any persons. This resolution will go to the voters for a vote to change the State Constitution.

HB 2658, SB 6515-Refocusing the Department of Commerce

By Request of the Department of Commerce

Prime Sponsors: Representative Phyllis Kenney and Senator Jim Kastama

This bill focuses the mission of the Department of Commerce to emphasize jobs. It began the session with major change to programs currently housed in the Department of Commerce, including provisions shifting the Office of Crime Victims Advocacy to the Department of Social and Health Services.

The final bill that passed establishes the Community Services and Housing Division within the Department of Commerce, and will include: Homeless housing and assistance programs, crime victims' advocacy and sexual assault services; community mobilization against substance abuse and violence; asset building for working families; local and community projects including the building communities fund, building for the arts, and youth recreational facilities grants; dispute resolution centers; community services block grants; child care facility fund; WorkFirst community jobs; long-term care ombudsman; state drug task forces; justice assistance grants; children and families of incarcerated parents; and the Washington new Americans program. The section containing these requirements expires on July 1, 2012.

The bill transfers County Public Health Assistance and the Developmental Disabilities Endowment to the Department of Health; the State Building Code Council is transferred to the Department of General Administration; the Drug Prosecution Assistance program is transferred to the Criminal Justice Training Commission; the Energy Facility Site Evaluation Council is transferred to the Washington Utilities and Transportation Commission; and the Municipal Research Council is abolished and its duties are transferred to the Department of Commerce.

For more information on these and other Washington State legislative issues, email: action@wscadv.org.