

## LEGISLATIVE SESSION SUMMARY 2009

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***May 1, 2009***

Here is our final legislative update for 2009. This state legislative session was a budget year, meaning the Legislature had to pass budget legislation to fund state programs for the next two fiscal years (July 2009 – June 2011). The Legislature adjourned on April 26 after passing the budget, along with numerous significant policy proposals. As of April 30, it appears that the Governor is likely to call the Legislature back into session to work on a few more items related to implementing budget provisions. Following is a summary of the status of WSCADV's legislative priorities for the 2009 session.

To review a more detailed summary of issues WSCADV worked on during the 2009 state legislative session, see our previous Legislative Updates at: [www.wscadv.org/PublicPolicy.cfm](http://www.wscadv.org/PublicPolicy.cfm).

To view the full text of new laws or legislation, go to the Washington State Legislature webpage at [www.leg.wa.gov](http://www.leg.wa.gov) and enter the bill number in the "Bill Search" section.

### ***State Budget/Funding***

#### **HB 1244/SB 5600 and HB 1216/SB 5222 – State Operating and Capital Budgets**

WSCADV's highest priority this session was monitoring budget discussions, given that it was a very difficult budget year, with a projected state budget shortfall of \$9 billion over the 2009-2011 biennium. These are some of the final budget numbers for areas relating to domestic violence victims and services:

- **Domestic violence shelter program** funding is preserved, although DSHS must reduce vendor contract rates for children's services by \$6.4 million over the next two years.<sup>1</sup>
- **Domestic violence legal advocacy** funding is preserved, along with other crime victim service contracts, although CTED will have a reduction of 1% over the next two years.<sup>2</sup>
- Funding for **civil legal services** is preserved.

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<sup>1</sup> Corrected as of 5/5/09. Original 5/1/09 version said "DSHS must reduce all vendor contracts by .05%."

<sup>2</sup> Corrected as of 5/12/09. Previous version (5/5/09) said legal advocacy funding would be reduced .5% each of the next two years.

- **Transitional Housing, Operations and Rent (THOR)** program is reduced by \$1.5 million.
- \$68.6 million reduction to the **WorkFirst** program.
- Reduction of \$28.9 million in **supervision of lower-risk offenders** by the Department of Corrections.
- \$18.6 million reduction to the cash portion of the **General Assistance-Unemployable (GA-U)** program and \$51 million reduction to the medical portion of GA-U/ADATSA.
- \$255 million reduction to the **Basic Health Plan**.
- \$100 million overall in the **Housing Trust Fund**.

**Status:** Awaiting review and signature by the Governor.

## **Legislation Supported by WSCADV that Passed**

### **Protective Orders**

#### **HB 1148 – Protecting Animals from Domestic Violence Perpetrators**

**Prime Sponsor:** Representative Brendan Williams

This bill allows a court, when issuing a domestic violence protection order, to designate who is granted the custody or control of a pet, and can prohibit the respondent from coming within a certain distance of a place where the pet is normally found.

**Status:** Awaiting review and signature by the Governor.

### **Housing and Homelessness**

#### **HB 2331 – Document Recording Fees for Services for the Homeless**

**Prime Sponsor:** Representative Jeannie Darneille

This bill increases the Homeless Housing and Assistance Act document recording surcharge from \$10 to \$30 and limits the time period during which the \$30 surcharge will be in effect to the 2009-11 and 2011-13 biennia. The bill also exempts the surcharge for documents recording births, marriages, divorces, or death or any documents otherwise exempted from a recording fee under state law.

**Status:** Awaiting review and signature by the Governor.

### **Criminal Law**

#### **HB 1790/SB 5703 – Adding Domestic Violence Court Order Violation to the List of Offenses Eligible for Notification**

**Prime Sponsors:** HB 1790-Representative Al O'Brien; SB 5703-Senator Jim Hargrove

Current law provides that the Department of Corrections (DOC) is required to send written notice of parole, release, community custody, work release placement, furlough, or escape, to certain persons, including law enforcement and the victim, if requested, at least 30 days in advance. This notice requirement applies to offenders convicted of a violent offense, a sex offense, or felony harassment. This bill added violations of certain protection orders to the list of offenses eligible for notification by DOC.

**Status:** Awaiting review and signature by the Governor.

### **Family Law**

#### **SSB 5285 – Revising Procedures for Appointment of Guardians Ad Litem**

**Prime Sponsor:** Senator Debbie Regala

This bill adds guardians ad litem (GALs) to the list of mandatory reporters of child abuse and neglect, requires that courts attempt to match GALs with special training to the issues presented in a case, requires GALs to provide courts with information about any specific training they have relating to issues faced in family court cases, and provides criminal background or child abuse/neglect allegation information about themselves for the court's GAL registry. The bill also provides that the court must grant either party's request that a GAL be removed within the first five days after appointment, unless doing so would cause substantial harm to the children involved (for example, in places where there is a very limited pool of GALs).

**Status:** Awaiting review and signature by the Governor.

### **Economic Security**

#### **SSB 5286 – Exemptions from the WorkFirst Program**

**Prime Sponsor:** Senator Debbie Regala

This bill amends current law to include an exemption from a parent's participation in any mandated WorkFirst activities during the first ninety days following the birth of their child, although DSHS may require parents in need of drug or alcohol treatment to obtain such treatment. DSHS must identify available treatment resources for the parents. In addition, the bill clarifies that no parent with a child 12 months or less may have his or her grant reduced due to sanction.

**Status:** Awaiting review and signature by the Governor.

#### **SHB 2071 – Increasing the Earning Potential of Parents of Needy Families**

**Prime Sponsor:** Representative Tami Green

This bill declares that nearly half of all of the state's recipients of Temporary Assistance for Needy Families (federal public assistance) return to the program more than once.

The bill amends current statute dealing with assessments of WorkFirst recipients and places greater emphasis on education and training programs.

**Status:** Signed by the Governor April 13 and will become law June 26.

## **Legislation Supported by WSCADV that Failed**

### **Housing**

#### **SB 5922 – The Fair Tenant Screening Act**

**Prime Sponsor:** Senator Jeanne Kohl-Welles

This bill would have regulated tenant screening reports by: stating that tenants who pay for such reports must receive a copy; clarifying that landlords who take adverse action based on information from a tenant screening report must inform the tenant in writing about the reason; and prohibiting tenant screening companies from reporting certain information, including the existence of Protection Orders filed by the tenant.

#### **SHB 1250/SB 5300 – Concerning the Housing Trust Fund**

**Prime Sponsors:** **HB 1250** – Representative Tina Orwall; **SB 5300** – Senator Claudia Kauffman

This bill would have removed the 5% cap on administrative costs to be paid by the Housing Trust Fund. Instead, funds would be used to pay for department costs directly related to project application, review, selection, contracting, and project development. The House bill was amended to require that an amount for administration of project application, review, selection, contracting, and project development must be specified in the Capital Budget.

#### **HB 2166 – Imposing an Additional Document Recording Surcharge to Fund Affordable Housing and Homeless Purposes**

**Prime Sponsor:** Representative Jeannie Darneille

This bill would have required the county auditor to: (1) charge an additional surcharge of \$12 for each document recorded, which is in addition to any other charge allowed by law; and (2) remit 100% of the funds to the State Treasurer for deposit in the Affordable Housing For All account created in RCW 43.185C.190.

### **Family Law**

#### **SB 5528 – Amending the Initial Point of Contact Program**

**Prime Sponsor:** Senator Jim Hargrove

This bill would have amended the initial point of contact program, which would provide certain services to parties in a dissolution action. The program was created in 2007 and is intended to take effect in July 2009. Current law states that this program is designed to provide information about court services and programs, alternatives to filing for

divorce, alternatives to litigation, supportive family services in the community, and services that are available to address domestic violence, child abuse, substance abuse, and mental health. The 2007 legislation also designated a task force in order to study issues related to dissolution and to make recommendations related to the initial point of contact program. The task force met throughout 2008 and released a report in December 2008. This bill would have clarified that the initial point of contact program will function as an information and referral program to provide information to the parties in an action under RCW 26.09 about services that may be available to the parties, rather than providing services or conducting screening.

### **Criminal Law**

#### **HB 1220/SSB 5208 – Increasing Penalties for Domestic Violence Offenders**

**Prime Sponsors:** **HB 1220** – Representative Al O'Brien; **SB 5208** – Senator Dale Brandland

This bill would have altered the criminal sentencing grid and provided that courts should count past domestic violence offenses in increasing sentences for repeat domestic violence offenders. The bill was amended in the Senate Judiciary Committee to have a delayed effective date of August 2010.

### **Privacy**

#### **HB 1005 – Requiring Commercial Web Sites to Post their Privacy Policy**

**Prime Sponsor:** Representative Jeff Morris

This bill would have required commercial web sites to conspicuously post a privacy policy on its web site if personally identifiable information is collected through the internet about a Washington resident.

### **Legislation Opposed by WSCADV that Passed**

#### **ESSB 5288 – Changing Provisions Regarding Supervision of Offenders**

**Prime Sponsor:** Senator Jim Hargrove

This bill changes the scheme under which the Department of Corrections (DOC) supervises offenders, requiring DOC to assess the risk of an offender by using a "static" risk assessment tool developed by the Washington State Institute for Public Policy and terminating supervision for certain offenders categorized as "moderate" or "low" risk. The amended bill also provides for supervision of offenders of certain domestic violence-related misdemeanors with prior convictions, and gives counties authority to set up supervision of other misdemeanants.

## **Legislation Opposed by WSCADV that Failed**

### **Criminal Law**

#### **HB 2077/SB 6067- Delayed Sentencing for Offenders with a Standard Range Under One Year**

**Prime Sponsors:** HB 2077 - Representative Roger Goodman; SB 6067 - Senator Adam Kline

This bill would have created a delayed sentencing option in felony matters, if the defendant is convicted of certain offenses with a standard sentence range of less than a year (including domestic violence felonies). The court could grant any party's motion and the offender may elect to participate in the sentencing option, if the court determines that a delayed sentence is appropriate. Under the option, the court would continue the sentencing hearing for any period up to one year and order conditions pending sentencing, which may include appropriate mental health, domestic violence, or chemical dependency treatment following an evaluation. Other conditions may be imposed, such as not using illegal controlled substances; submitting to urinalysis or other testing; providing a signed release of information authorizing any treatment provider to notify the court; remaining within the county while sentencing is pending; making restitution, paying fees; staying out of prescribed geographical boundaries if designated by the court; or other crime-related conditions the court may require.

### **Family Law**

#### **HB 1182 – Relating to the Uniform Child Abduction Prevention Act**

**Prime Sponsor:** Representative Roger Goodman

This bill would have allowed courts to issue abduction prevention measures in a child custody proceeding if the court finds a credible risk of abduction of the child. Further, a party to a child custody determination or another individual having a right to seek a child custody determination for the child could file a petition seeking abduction prevention measures. A prosecutor or public authority designated under RCW 26.27.541 could obtain a warrant to take physical custody of a child or other prevention measures. If a court found that there was a credible risk that the child is likely to be wrongfully removed, the court could issue an *ex parte* warrant to take physical custody of the child. The bill goes on to delineate the process for filing a petition and determining the risk of abduction.

#### **HB 1982 – Creating a Presumption of Shared Parenting**

**Prime Sponsor:** Representative Deb Wallace

This bill would have created a presumption that shared parental responsibility is in the best interests of minor children in establishing a parenting plan, meaning that children would be mandated to have at least 1/3 residential time with each parent. In addition,

the bill would direct the court to consider which parent is more likely to encourage frequent and ongoing contact with the other parent as a factor in designating residential time.

## **SB 5342 – Designating Residential Time in Parenting Plans**

**Prime Sponsor:** Senator Jim Kastama

This bill would have set out a standard court order relating to designating residential time in parenting plans. It would have specified that during the first, third, and fifth weeks of the month, the child shall reside with the minority residential parent from Thursday after school or work, whichever is pertinent, until the following Monday morning, at which time the child shall be taken by the minority residential parent to school, child care, or the majority residential parent's home, as well as specifying how vacations and holidays would be allocated. There would be an exception to this standard order when the minority residential parent's work schedule or residence location dictates that a different residential time schedule needs to be entered.

### ***Privacy***

## **HB 1900, SB 5646, HB 1913, HB 1991, SB 5215 – Increasing Access to Vehicle Licensing Information**

**Prime Sponsors:** **HB 1900** - Representative Troy Kelley; **SB 5646** - Senator Joe McDermott; **HB 1913** - Representative Judy Warnick; **HB 1991** - Representative Steve Kirby; **SB 5215** - Senator Mike Carrell

All of these bills would have provided increased accessibility to address information held by the Department of Licensing to third parties, such as process servers, private investigators, and attorneys.

### ***Other Legislation of Interest***

## **SB 5931 – Relating to Mental Health Counselor Privilege**

**Prime Sponsor:** Senator Ed Murray

Licensed mental health counselors are added to the list of those who may not disclose, or be compelled to testify about, any information acquired from persons consulting the individual in a professional capacity when the information was necessary to enable the individual to render professional services. Exceptions to the privilege include: (1) the client provides written authorization to disclose the information or to testify; (2) the client brings charges against the mental health practitioner; (3) the Secretary of Health subpoenas information pursuant to a complaint or report under the Uniform Disciplinary Act; (4) the information is required to be disclosed under statutory mandatory reporting provisions; and (5) the practitioner reasonably believes that disclosure will avoid or minimize an imminent danger to the health or safety of an individual (however, there is no obligation to disclose in this situation).

**Status:** Awaiting review and signature by the Governor.

## **SB 5688/HB 1727 – Expanding the Rights and Responsibilities of State Registered Domestic Partners**

**Prime Sponsors:** **SB 5688** - Senator Ed Murray; **HB 1727** - Representative Jamie Pedersen

Clarifies that for all purposes under state law, state-registered domestic partners shall be treated the same as married spouses, so that any privilege, immunity, right, benefit, or responsibility granted or imposed by state law shall also be granted or imposed on equivalent terms, substantive and procedural, to a person because he or she is in a state-registered domestic partnership. In addition, the bill eliminates the non-judicial process available to domestic partners to legally terminate the partnership, so that the parties must file for dissolution of the domestic partnership.

**Status:** Awaiting review and signature by the Governor.

## **ESHB 1002/SSB 5617 – Allowing a Defendant to Obtain a Certificate of Discharge When an Existing No-Contact Order Is in Place**

This bill requires the court, upon issuing a certificate of discharge, to issue a separate no-contact order if the offender's no-contact order is contained in the judgment and sentence. The offender seeking a certificate of discharge must pay a filing fee associated with the petition for the separate no-contact order. An offender who has a no-contact order that is separate from the judgment and sentence does not have to pay a filing fee.

**Prime Sponsors:** **HB 1002** – Representative Sherry Appleton; **SB 5617** – Senator Debbie Regala

**Status:** The Governor signed ESHB 1002 on April 30, but partially vetoed sections of the bill.

*For more information on these and other Washington State legislative issues, email: **action (at) wscadv.org**.*