

2010 LEGISLATIVE SESSION UPDATE

January 22, 2010

Here is our first Olympia update of the 2010 Washington State Legislative Session, which began on January 11. The first two weeks were full of activity, with numerous bills relating to the state budget and the criminal legal system introduced. This year is a supplemental budget year, meaning that the Legislature will be revising the budget that it passed in 2009, adjusting the budget based on shortfalls and over-expenditures that were made in that budget, and addressing changes in revenue collected by the state. The context is that there is a deficit of about \$2 billion more than projected when the Legislature passed its budget last year, and the Legislature is facing making large reductions in programs on top of the reductions it already made in 2009.

Important dates to remember for this session are:

Friday, Feb 5 - Last day to get bills out of committee in the house where they were introduced, other than bills related to fiscal matters and transportation (though the House of Representatives has established an additional cutoff deadline for policy committees on Tuesday, Feb. 2, and made Feb 5 it's deadline for House Appropriations)

Tuesday, Feb 9 - Last day to get bills out of the fiscal and transportation committees in the house of origin.

Tuesday, Feb 16 - Last day to pass bills out of the full House or Senate, in the house where they were introduced.

Friday, Feb 26 - Deadline to get bills passed out of committee that originated in the opposite house, other than bills related to fiscal matters and transportation. (though the House of Representatives has established an additional cutoff deadline for policy committees on Tuesday, Feb. 23, and made Feb 25 it's deadline for House Appropriations)

Monday, Mar 1 - Last day to get bills passed out of the fiscal and transportation committees that originated in the opposite house.

Friday, Mar 5 - Last day that bills that were introduced in the opposite house must be voted on by the full House or Senate.

Thursday, Mar 11 - Last day allowed for regular session under state constitution.

WSCADV WILL BE HOSTING TWO LOBBY DAYS DURING THE SESSION:

February 4, 2010 King County Lobby Day

February 25, 2010 Statewide Lobby Day

Please sign up at our website at <http://www.wscadv.org/publicpolicy.cfm> if you are interested in going to Olympia and meeting your representatives to discuss issues affecting DV victims!

Following is a summary of the status of WSCADV's legislative priorities, as well as a chart tracking numerous bills of interest to domestic violence survivors and programs. For more information about these bills, including the bill text and status, go to <http://apps.leg.wa.gov/billinfo/> and input the bill number.

If there is a bill you care about, use the LEGISLATIVE HOTLINE to contact your legislators: **1-800-562-6000**.

• STATE BUDGET

HB 2824, SB 6444, and HB 2836, SB6364, Governor Gregoire's proposed supplemental operating and capital budgets- WSCADV's highest priority this legislative session is protecting funds for domestic violence services and advocacy, including shelters, domestic violence legal advocacy, and funding for domestic violence services for underserved victims. Fortunately, the Governor's proposed budget preserves funding for these programs. However, there are other likely drastic cuts to important safety net programs that affect domestic violence survivors, including

- Elimination of state-funded Basic Health insurance program (coverage for about 65,000 individuals)
- Reduce eligibility for children's health (Apple Health) from 300% of poverty to below 205% of poverty, reducing the coverage for 16,000 children.
- Elimination of General Assistance-Unemployable (GAU) benefits, which provides financial assistance and medical coverage to individuals who are physically or mentally incapacitated and unable to work for 90 days or more. This program is one of the few types of public assistance available to individuals without children, and has been a benefit to domestic violence survivors.
- Reduce benefit levels and eligibility standards in the Crime Victims' Compensation Program and cut \$2.9 million in state funding
- Reduce funding for WIN-211 by \$500,000.00
- Reduced subsidies for 2400 low-income families to afford child care while working (currently there are 3800 slots annually, reduced to 1400).
- Reduce the number of Basic Law Enforcement Academy classes (\$1.6 million)
- Eliminate outpatient services for chemical dependency treatment and detoxification treatment for 3600 low income individuals (\$8.7 million)

- Reduce state funding for community mental health services, including counseling, case management, acute care, etc (\$15 million)
- Reduce family preservation services in child welfare cases by 50%, or funding for 2400 families (\$5.9 million)

In addition, the Governor proposes moving several programs out of the Department of Commerce as that agency streamlines to match its mission, and moves the Office of Crime Victims Advocacy to the Department of Social and Health Services.

The Governor has also proposed working with the legislature to avoid some of the proposed cuts by increasing revenues and eliminating tax loopholes. In a letter dated January 12, 2010, at <http://www.ofm.wa.gov/budget10/GovJanLettertoLeg.pdf>, the Governor proposed several partial restorations of the cuts she was required to propose, including \$160 million in restorations to the Basic Health Plan, \$84.5 million in restorations to the General Assistance-Unemployable (GA-U) program, and \$39.5 million in restoration to the Working Connections Child Care Plan, among others.

Position: Concerns.

Status: Numerous hearings are being held in the various House Appropriations Committees as well as the Senate Ways and Means Committee, with ongoing hearings going on into the second week of the session.

• PROTECTION ORDERS

HB 2778- Relating to Domestic Violence-

This bill amends various provisions of the RCW relating to domestic violence, including provisions relating 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.

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; Clarifies that teenagers can seek domestic violence protection orders against a respondent over age 16 in a dating situation; Clarifies 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; Amends the DV protection order statute to provide protections against cyberstalking; Requires courts to use No-Contact Order forms that substantially comply with the statewide pattern form; Clarifies

that it is a state law crime for individuals restrained by a Protection Order to possess firearms; Directs 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 Directs AOC to develop guidelines to address how courts should reconcile conflicting No-Contact, Protection, and Restraining Orders.

The Sentencing Provisions: Modifies the felony sentencing guidelines to include a mitigating circumstance (re: victim defendants), and changes existing guidelines directing a court to consider when DV is committed in front of **any** minor under 18 (and not only the children of the parties involved) as an aggravating circumstance; Directs 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 provides 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: Specifies that providers who conduct domestic violence perpetrator treatment must be certified, and provides DSHS authority to conduct on-site monitoring for compliance with perpetrator treatment standards; and amends 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).

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 directs AOC to convene a workgroup to address the issue of revoking pistol licenses in cases involving Protection or No-Contact orders.

Sponsors: Goodman, Kessler, Santos, Darneille, Maxwell, Kenney, Kagi, Williams, Rolfes, Appleton, Hudgins, Ericks, Morrell, McCoy, Seaquist, Green, O'Brien, Carlyle, Roberts, Pearson, Nelson, and Simpson

Position: Support with minor revisions

Status: This bill has passed the House Judiciary Committee following a hearing on 1/18.

SB 6323- Regarding Ex-Parte Protection Orders and Vulnerable Adults

This bill directs that a court determine whether the respondent is a vulnerable adult from the testimony of the petitioner in an ex-parte protection order hearing. If the respondent is a vulnerable adult, the court must inquire and the petitioner must provide information regarding the nature and extent of the respondent's injury, the respondent's ability to find suitable care, and the likelihood of harm to the respondent if the protection order is served or enforced.

Sponsors: Senators Swecker and Stevens

Position: Oppose-While WSCADV supports vulnerable adults obtaining appropriate interventions and services, WSCADV opposes placing the burden on petitioners who are seeking protection to advise a court about the whether the respondent will be harmed if a protection order is issued.

Status: A hearing was held in the Senate Human Services and Corrections Committee on Friday, January 29, 2010 at 8:00 a.m.

• CRIMINAL LEGAL SYSTEM

HB 2427/SB 6203 - Increasing Penalties for Domestic Violence Offenders

These bills alter the criminal felony sentencing grid and provides that courts should count past domestic violence misdemeanor offenses in increasing sentences for repeat domestic violence offenders.

Sponsors: HB 2427- Pearson, Hurst, Bailey, Goodman, Kirby, Chandler, Herrera, O'Brien, Warnick, Ross, Condotta, Dammeier, Shea, Klippert, Smith, Walsh, Parker, Jacks, Blake, Rodne, Williams, McCune, Campbell, Johnson, Eddy, Morrell, Kelley, Short, Maxwell, Sullivan, Conway, Roach, Kristiansen, Haler, Sells, Schmick, Ericks, Ormsby, Kretz, Moeller, Hope

SB 6203- Senators Brandland, Hargrove, Sheldon, Honeyford, Hatfield, Delvin, Kauffman, King, Becker, Pflug, McCaslin, Parlette, Kohl-Welles, Holmquist, Regala, Kline, Keiser, Marr, Swecker, Rockefeller, Tom, Kilmer, Hewitt, Stevens, Roach

Position: Support

Status: HB 2427-This bill passed the House Public Safety and Emergency Preparedness Committee and has been referred the House General Government Appropriations committee, and was passed out of Committee on January 13 with a minor amendment. **SB 6203** has been referred to the Senate Judiciary Committee.

HB 2777- Modifying Domestic Violence Provisions

This bill, like HB 2427 and SB 6203, alters 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.

Sponsors: Representatives Goodman, O'Brien, Driscoll, Kessler, Maxwell, Finn, Hurst, Williams, Appleton, Hudgins, Kelley, Ericks, Morrell, McCoy, Seaquist, Green, Carlyle, Conway, Pearson, and Simpson

Position: Support

Status: A hearing will be held in the House Public Safety and Emergency Preparedness Committee on Tuesday, January 26, 2010 at 10:00 a.m.

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

Sponsors: Campbell, Green, Chase, Kelley, Wallace, Moeller, Haigh, and Simpson

Position: Support with minor concerns

Status: A hearing will be held in the House Public Safety and Emergency Preparedness Committee on Tuesday, January 26, 2010 at 10:00 am.

• **Housing/Homelessness**

HB2622: The Fair Tenant Screening Act-This bill requires 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 requires 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.

Sponsors: Representatives Orwall, Rolfes, Darneille, Pettigrew, Morrell, Hasegawa, Ormsby, and Moeller

Position: Support, in particular the provisions prohibiting the reporting of individuals being protected by protection orders as part of a tenant screening report.

Status: A hearing was held in the House Financial Institutions and Insurance Committee on January 19, 2010.

HB 2900- Addressing Supportive Housing-

This bill designates 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.

Sponsor: Representative Goodman

Position: Support with concerns that supportive housing programs for domestic violence survivors are not included.

Status: A hearing will be held in the House Committee on Local Government and Housing on Wednesday, January 27, 2010 at 8:00 a.m.

• **ECONOMIC SECURITY**

HB 2770/SB 6504-re Crime Victims Compensation Benefits

Oppose

SB 6704-Regarding General Assistance
Concerns

• **OTHER BILLS OF INTEREST**

6277-Disposition of Human Remains

6318-Mandatory Reporting of Gunshot Wounds

BILL	TITLE	STATUS	ORIGINAL SPONSOR	COMPANION BILLS
SHB 2394	State govt and Indian tribes	H SGTADPS	McCoy	
HB 2418	Signature petitions	H SGTribalAff	Carlyle	
HB 2421	Third-party visitation	H Judiciary	Pedersen	
HB 2424	Sexual exploitation/children	H Pub Safety	O'Brien	SB 6201(SJudiciary)
HB 2426	Vulnerable adults	H Pub Safety	Moeller	SB 6202(SHumServ/Corr)
HB 2433	Drivers' lic's & identicards	H Trans	Haler	
HB 2438	"Service animal" definition	H Judiciary	Moeller	
HB 2447	Public employee photographs	H SGTribalAff	Appleton	
HB 2457	Pro se defendant & witnesses	H Judiciary	Williams	
HB 2477	Criminal firearm use	H Judiciary	Williams	
HB 2482	Legal unions/other states	H Rules R	Pedersen	
SHB 2486	DNA sample collection costs	H Gen Gov Apps	Goodman	SB 6230(SJudiciary)
HB 2487	Deferred prosecution costs	H Pub Safety	Goodman	SB 6514(SJudiciary)
HB 2497	Victimizing homeless persons	H Pub Safety	White	
HB 2513	Insurance/credit history	H Fin Inst & Ins	Nelson	SB 6252(SLab/Comm/CP)
HB 2517	Housing authorities	H LG & Housing	Dammeier	SB 6327(SFI/Hous/Ins)
HB 2518	Interpreter oath requiremnts	H Exec Action	Goodman	
HB 2522	Emergency health care	H HC/Wellness	Driscoll	SB 6270(SHea/L-T Care)
HB 2572	Definition of threat	H Pub Safety	Appleton	
HB 2594	Law enforcement officers	H Commerce/Lab	Rolfes	
HB 2596	Child advocacy centers	H Early L&CS	Williams	SB 6454(SHumServ/Corr)
HB 2617	Boards and commissions	H SGTribalAff	Driscoll	SB 6426(SWays & Means)
HB 2620	Excise taxation	H Finance	Hunter	SB 6552(SWays & Means)
HB 2622	Credit & court record info	H Fin Inst & Ins	Orwall	
HB 2625	Bail for felony offenses	H Pub Safety	Kelley	
HB 2627	Child support orders/forms	H Exec Action	Kelley	
HB 2640	Crime victims/mental health	H Pub Safety	Dickerson	
HB 2650	Severe economic downturns	H Finance	Springer	
HB 2658	Refocusing dept. of commerce	H ComEcDevTr	Kenney	SB 6515(SEDev/Trd/Innov)
HB 2719	Cities and sales & use tax	H LG & Housing	Appleton	
HB 2722	Family law & adoption cases	H Exec Action	Goodman	
HB 2728	Criminal act, definition	H Pub Safety	Hope	SB 6718()
HB 2729	Contempt of court	H Early L&CS	Hope	
HB 2752	Safety of runaway youth	H Early L&CS	Dickerson	
HB 2768	Peace & reserve officers	H Pub Safety	Ross	SB 6390(SJudiciary)
HB 2770	Crime victims' comp benefits	H Pub Safety	O'Brien	SB 6504(SHumServ/Corr)

HB 2771	Crime victims' comp program	H Pub Safety	O'Brien	
HB 2782	Security lifeline act	H Human Ser	Dickerson	
HB 2799	Legal financial obligations	H Pub Safety	Appleton	SB 6709()
HB 2801	Antiharassment strategies	H Education	Lias	
HB 2836	Capital supp budget 2010	H Cap Budget	Dunshee	SB 6364(SWays & Means)
HB 2856	Homeless housing programs	H LG & Housing	Miloscia	
HB 2865	Offenders with disabilities	H Human Ser	Roberts	
HB 2889	Human trafficking posters	H Trans	O'Brien	
HB 2905	Discharge of vulnerable	H LG & Housing	Miloscia	
HB 2906	Housing trust fund program	H LG & Housing	Miloscia	
SHB 2921	Fiscal matters/early savings	H 2nd Reading	Linville	
HB 2931	Criminal assistance/aggrav.	H Pub Safety	Hope	
HB 2942	Human trafficking training	H Pub Safety	O'Brien	
HB 2943	General assistance benefits	H Human Ser	O'Brien	
HB 2955	Individual & family services	H Human Ser	Cody	
HB 2957	Indeterm sentence review brd	H Gen Gov Apps	Williams	
HB 2959	Child fatality reviews	H Early L&CS	Kagi	SB 6612(SHumServ/Corr)
HB 2985	Local govt infrastructure	H ComEcDevTr	Maxwell	SB 6609(SEDev/Trd/Innov)
HB 3016	Child support orders	H Judiciary	Pedersen	SB 6640(SHumServ/Corr)
HB 3043	Access to justice account	H Gen Gov Apps	Pedersen	
HB 3044	Confinement term tolling	H Human Ser	Williams	
HB 3045	Confinement alternatives	H Human Ser	Roberts	SB 6639(SHumServ/Corr)
HB 3048	Medicaid administration	H Ways & Means	Cody	SB 6710()
HB 3049	Public assistance decisions	H Human Ser	Dickerson	SB 6717()
HB 3056	Pretrial release & detention	H Pub Safety	Pearson	
HB 3062	Language access providers		Conway	SB 6726()
HB 3070	Fiscal reform		Chase	SB 6250(SWays & Means)
SB 6192	Juvenile cases/restitution	S HumServ/Corr	Marr	
SB 6201	Sexual exploitation/children	S Judiciary	Kline	HB 2424(HPub Safety)
SB 6202	Vulnerable adults	S HumServ/Corr	Hargrove	HB 2426(HPub Safety)
SB 6203	Domestic violence offenders	S Judiciary	Brandland	
SB 6222	Nonconviction data	S GovtOp & Elect	Benton	

SB 6223	Nonconviction data/deletion	S Judiciary	Benton	
SB 6250	Fiscal reform	S Ways & Means	Franklin	HB 3070()
SB 6252	Insurance/credit history	S Lab/Comm/CP	Kohl-Welles	HB 2513(HFin Inst & Ins)
SB 6268	Administrative procedure act	S Judiciary	Franklin	
SB 6313	Bail bond agencies	S Judiciary	Carrell	
SB 6315	Alternatives to confinement	S HumServ/Corr	Carrell	
SB 6316	Law enforcemnt & corrections	S HumServ/Corr	Carrell	
SB 6323	Vulnerable adults/protection	S HumServ/Corr	Swecker	
SB 6330	Human trafficking posters	S Lab/Comm/CP	Kohl-Welles	
SB 6332	Human trafficking	S Lab/Comm/CP	Kohl-Welles	
SB 6338	Transitional housing	S HumServ/Corr	Regala	
SB 6364	Capital supp budget 2010	S Ways & Means	Fraser	HB 2836(HCap Budget)
SB 6390	Peace & reserve officers	S Judiciary	Kline	HB 2768(HPub Safety)
SB 6396	Assault weapons	S Judiciary	Kline	
SB 6398	Threat/malicious harassment	S Judiciary	Kline	
SB 6428	Complaint filed w/ an agency	S GovtOp & Elect	Kline	
SB 6444	Operating supp budget 2010	S Ways & Means	Prentice	HB 2824(HWays & Means)
SB 6446	Overnight youth shelters	S HumServ/Corr	Kohl-Welles	
SB 6484	Civil judgments for assault	S HumServ/Corr	Hewitt	
SB 6504	Crime victims' comp benefits	S HumServ/Corr	Hargrove	HB 2770(HPub Safety)
SB 6514	Deferred prosecution costs	S Judiciary	Prentice	HB 2487(HPub Safety)
SB 6515	Refocusing dept. of commerce	S EDev/Trd/Innov	Kastama	HB 2658(HComEcDevTr)
SB 6529	Access to public records	S GovtOp & Elect	Roach	
SB 6530	Access to public records	S GovtOp & Elect	Roach	
SB 6531	Kidnapping of a child	S Judiciary	Roach	
SB 6548	Suspending parole, probation	S HumServ/Corr	Hargrove	
SB 6565	Crimes/identity of entity	S Judiciary	Stevens	
SB 6612	Child fatality reviews	S HumServ/Corr	Hargrove	HB 2959(HEarly L&CS)
SB 6618	Family friendly court grant	S Judiciary	Regala	
SB 6639	Confinement alternatives	S HumServ/Corr	Brown	HB 3045(HHuman Ser)
SB 6640	Child support orders	S HumServ/Corr	Hargrove	HB 3016(HJudiciary)
SB 6664	Bail for persons in custody	S Judiciary	Kohl-Welles	
SB 6673	Bail practices task force	S Judiciary	Kline	
SB 6680	Taxes for criminal justice	S HumServ/Corr	Hargrove	
SB 6698	Nonprofit hospitals	S Hea/L-T Care	Keiser	
SB 6704	Gen assistance & med care		Hargrove	
SB 6710	Medicaid administration		Keiser	HB 3048(HWays & Means)
SB 6715	Surplus line coverage		Berkey	HB 3060(HFin Inst & Ins)
SB 6716	Children/dependency matters		McDermott	HB 2735(HJudiciary)

For more information on these legislative issues and others facing domestic violence victims and programs, please contact ACTION (at) wscadv . org