



WASHINGTON STATE COALITION AGAINST DOMESTIC VIOLENCE

2007 LEGISLATIVE SUMMARY

April 30, 2007

Here is our final legislative update from Olympia for 2007. This state legislative session was a budget year, meaning the Legislature had to pass budget legislation to fund state programs for 2007-2009 fiscal years. The Legislature adjourned on April 22nd after passing the budget, along with numerous significant policy proposals. Following is a summary of the status of WSCADV's legislative priorities for the 2007 session.

State Budget/Funding

ESHB 1128 –OPERATING BUDGET HIGHLIGHTS

- Maintains funding for DSHS-funded domestic violence shelter programs.
- Funds domestic violence legal advocacy at \$1.5 million each year for FY 2008 and FY 2009.
- Increases Civil Indigent Legal Services \$5 million for the 2008-2009 biennium.
- Increases funding for representation of parents in dependency cases by \$6.5 million for the biennium.
- Provides \$.5 million for the 2007-2009 biennium for the child safety net for families in full-family sanction in the WorkFirst program.
- Provides \$7.9 million for the 2007-2009 biennium for families transitioning off TANF program by providing support for wage progression and education.
- Provides approximately \$4 million for 2007-2009 biennium for general crime victims services.
- Approximately \$24 million for the 2007-2009 biennium for implementing offender re-entry programs to support education, workforce skills, and treatment programs for offenders leaving prison.

Status: Awaiting review and signature by the Governor.

ESHB 1092 – CAPITAL BUDGET

The Capital Budget makes appropriations for construction and building. A large portion of the Capital Budget is the Housing Trust Fund, the largest public funding source for the creation of affordable homes for low-income families and individuals. The final Capital Budget provides \$130 million for the Housing Trust Fund, with some of the allocations as follows:

- \$1,000,000 for shelters or transitional housing for victims of domestic violence
- \$5,000,000 for homeless families with children
- \$2,500,000 for revolving loan accounts for low-income individuals
- \$1,500,000 for low-income and homeless Native Americans

Status: Awaiting the Governor's signature.

Legislation supported by WSCADV that passed

Family Law

ESSB 5470 - Revising Provisions Relating to Parenting Plans

Prime Sponsor: Senator Jim Hargrove

This legislation attempts to address systemic barriers in the family law process to resolve disputes between parents, and to improve responses to domestic violence victims. The bill: 1) has intent language that recognizes the value of visitation, encourages alternative dispute resolution and reducing conflict, values identification of domestic violence and addressing treatment needs, and recognizes judicial flexibility; 2) creates a family law liaison program to establish an initial point of contact for individuals seeking dissolution of marriage, 3) recognizes that mediation is generally inappropriate in domestic violence cases, but allows mediation to take place if victims request it; 4) establishes a working group to provide recommendations to the Legislature regarding the family law liaison function, clear dispute resolution processes, training on domestic violence and sexual assault, and assessing the need for specialized evaluators in family law cases; 5) provides courts with increased direction about evaluating parties where allegations of domestic violence or child abuse have been made; 6) provides direction to courts to consider the safety of a parent who is a victim of domestic violence in determining residential time; 7) provides direction regarding the availability of interpreters, literary assistance, and guardians ad litem; 8) provides resources for mediation; 9) provides direction regarding supervised visitation in cases involving domestic violence or child abuse; 10) includes a child's cultural or religious upbringing as one of the factors courts should consider in ordering parenting plans, 11) removes certain presumptions about what the court should consider in establishing a parenting plan, including placing most weight on which parent has the stronger ties to the child, and adds specific factors a court should spell out in designing a parenting plan; and 12) requires data collection about the characteristics of parenting plans.

Status: Awaiting the Governor's signature.

Protective Orders

HB 1642, SB 5697 - Relating to Criminal Violations of Protective Orders

Prime Sponsors: Representative Jamie Pedersen and Senator Jim Hargrove

This bill provides for technical amendments to clarify that violation of provisions of protection, no-contact, and restraining orders that prohibit contact with a protected party are a crime and there does not need to be a showing of "violent" contact.

Status: Signed by the Governor April 21, with an effective date of July 22, 2007.

Criminal Law

HB 2119 / SB 5953 – Increasing Penalties for Acts of DV Involving Strangulation

Prime Sponsors: Representative John Lovick and Senator Tracy Eide

This bill, requested by the state Attorney General's office, increases the penalty for assault by strangulation, including in domestic violence cases, by specifically stating that assault by strangulation constitutes second-degree assault. This would make strangulation a class B felony.

Status: Signed by the Governor April 18, with an effective date of July 22, 2007.

Privacy

SSB 5087 - Relating to the Federal Real ID Act

Prime Sponsor: Senator Mary Margaret Haugen

This bill directs state agencies not to expend funds to implement the REAL ID Act in Washington unless: (1) all reasonable privacy and data security protections are included; (2) the implementation does not place unreasonable costs or recordkeeping burdens on driver's license or identicard applicants; and (3) sufficient federal funds are received by Washington to implement the REAL ID Act requirements. Of particular concern to domestic violence and stalking victims in the REAL ID Act are requirements for providing a residential address, documentation requirements for victims to obtain drivers' licenses, and information sharing in large databases regarding driver's license holders.

Status: Signed by the Governor April 18, with an effective date of July 22, 2007.

ESB 5827-Relating to Consumer Privacy

Prime Sponsor-Senator Steve Hobbs

This bill prohibits employers from obtaining a credit report on a prospective employee for employment purposes unless: (1) that credit information is substantially job related; and (2) the employer discloses to the consumer in writing the reasons the employer is using that information. Employers may also request consumer reports that contain credit information about the consumer if such a request is required by other law.

Status: Signed by the Governor April 18, with an effective date of July 22, 2007.

Economic Justice

2SSB 6016 – Relating to Good Cause for Failing to Participate in Workfirst

Prime Sponsor: Senator Debbie Regala

This bill provides that a parent with a child under the age of one year who is a TANF recipient has a good cause reason for failure to participate in a WorkFirst program. However, DSHS may require any recipient with a child under the age of one year whose

comprehensive evaluation indicates a need for mental health, alcohol, or drug treatment; domestic violence services; or parenting education or skills to participate in those services or treatment as appropriate, up to 20 hours per week. A recipient may participate in the WorkFirst program on a voluntary basis. The good cause exemption for a parent with a child under the age of one year is limited to a maximum of 12 months over the parent's lifetime.

Status: Awaiting the Governor's signature.

Legislation supported by WSCADV that failed

Economic Justice

SB 5900 – Increasing Victim Safety by Ensuring Leave from Employment Prime Sponsor: Senator Debbie Regala

This bill would protect victims of domestic violence, sexual assault or stalking from being terminated from employment or having their employment benefits reduced when they take time off from work to protect themselves or immediate family members from harm (by doing such things as going to court for a protection order or other court proceedings, seeking medical care or counseling).

Victim Confidentiality

HB 1421, SB 5409 – Regarding the Address Confidentiality Program Prime Sponsors: Representative Tami Green and Senator Darlene Fairley, by request of Secretary of State

These bills would add a definition for "stalking" to the law establishing the Address Confidentiality Program (ACP), change the address requirements and terms for changing one's address for ACP participants, and establish that an ACP participant's records may only be released by court order.

SHB 1031 – Relating to Electronic Communication Devices

Prime Sponsor: Representative Jeff Morris

This bill would require that a person selling, issuing, or distributing items containing an electronic communication device must post a notice and label the item. It would also allow consumers to request access to any personal information gathered about them through an electronic communication device and to contest, amend, or seek to remove the information; prohibit a person from combining or linking a consumer's personal information with information gathered from an electronic communication device; prohibit disclosure to third parties of information gathered by an electronic communication device; and create civil and criminal penalties.

Housing

HB 1115 - Creating Programs to End Homelessness

Prime Sponsor: Representative Mark Miloscia

This bill would make changes to Washington's Ending Homelessness Act and provide, among other things, local governments with the authority to impose increased real estate recording surcharges to fund effort to reduce homelessness. The legislation would also provide local committees on ending homelessness with instruction to develop guidelines for implementation of rental vouchers and prevention programs as part of their ten-year plans to end homelessness.

SHB 1921 / SB 5959 – Providing Assistance to Homeless Individuals and Families

Prime Sponsors: Representaive Larry Springer and Senator Jim Hargrove

This bill would provide grants to eligible organizations serving homeless families and individuals for rental assistance, case management services, operating expenses of transitional housing facilities, and administrative costs. The bill seeks to make the THOR (Transitional Housing, Operating and Rent) program a permanent, stand-alone program in state law, rather than having to renew each year as a budget request.

Criminal Law

ESHB 2191 – Limiting Deferred Prosecution in Domestic Violence Cases

Prime Sponsor: Representative Pat Lantz

This bill would provide guidelines for deferred prosecution in domestic violence cases, specifying that defendants are not eligible for deferred prosecution unless they admit the facts alleged in the police report and acknowledge the need for perpetrator treatment.

Protective Orders

SSB 5066 – Protection Orders Covering Animals

Prime Sponsor: Senator Ken Jacobsen

This bill would amend the protection order statute to restrain the respondent from intentionally injuring or killing, without justification, any animal known to be owned, possessed, leased, kept, or held by the victim or a minor child residing in the household.

Child Welfare

HB 1703 – Creating a Domestic Violence Pilot Program to Co-locate a DV Advocate in DSHS Offices

Prime Sponsor: Representative Shay Schual-Berke

This bill would create a pilot program to co-locate a domestic violence advocate in two child welfare offices to provide support and advocacy for adult survivors of DV, and provide case consultation and training for child welfare workers. The bill would also

provide child welfare office with resources to support the decision-making and advocacy of the domestic violence advocates located in the child welfare offices, and preserve victim-advocate privilege and confidentiality protections.

Legislation opposed by WSCADV that failed

Family Law

SB 5234 / HB 2345 - Relating to Shared Parental Responsibility

Prime Sponsors: Senator Jim Kastama and Rep. Deb Wallace

This bill would create 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.

Other Legislation of Interest

Children

ESSHB 1422/SB 5643 - Relating to Children of Incarcerated Parents

Prime Sponsors: Representative Mary Helen Roberts and Senator Debbie Regala

Establishes that the secretary or director of various state agencies that deal with incarcerated parents is required to adopt policies and programs that encourage familial contact and engagement between inmates and their children with the goal of reducing recidivism and intergenerational incarceration. In developing policies and programs, agencies are to work with domestic and sexual assault providers to address situations involving incarceration of offenders who have committed crimes against their family members.

Status: Awaiting the Governor's signature.

To review a more detailed summary of issues WSCADV worked on during the 2007 Legislative Session, see our previous Legislative Updates at: <http://www.wscadv.org/Legislative/index.htm>. To view the full text of new laws or legislation, go to the Washington State Legislature webpage at www.leg.wa.gov and enter the bill number in the "Bill Search" section.

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