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**SENATE BILL 5865**

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**State of Washington 64th Legislature 2015 Regular Session**

**By** Senators Miloscia, Fraser, and McAuliffe

AN ACT Relating to services for victims of sexual assault; and amending RCW 43.280.020, 43.280.050, 70.125.020, 70.125.030, and 70.125.060.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

**Sec.**  RCW 43.280.020 and 2012 c 29 s 3 are each amended to read as follows:

(1) The department of commerce is authorized to distribute funds that have been allocated to the grant program that it administers for serving victims of sexual assault.

(2) Activities that can be funded through this grant program are limited to those that:

(a) Provide effective services to victims of sexual assault;

(b) Increase access to and availability of services for victims of sexual assault, particularly if from underserved populations; and

(c) Create or build on efforts by existing community programs, coordinate those efforts, or develop cooperative efforts or other initiatives to make the most effective use of resources to provide treatment services to these victims.

(3) Funding for core, specialized, children's advocacy center, and underserved populations services, as defined in RCW 70.125.030, must be distributed through a funding formula to those applicants that emphasize providing stable, victim-centered sexual assault services and possess the qualifications to provide those services.

(4) The department of commerce shall ensure that grant recipients assist victims to utilize private insurance and crime victims' compensation benefits first before grant funds are used for therapy services.

**Sec.**  RCW 43.280.050 and 2012 c 29 s 4 are each amended to read as follows:

(1) At a minimum, grant applications for specialized and underserved services must include the following:

(a) The geographic area from which the victims to be served are expected to come;

(b) A description of the extent and effect of the needs of these victims within the relevant geographic area;

(c) A proposed budget and an explanation of how the funds will be used, their relationship to existing services available within the community, and the need that they will fulfill;

(d) An explanation of what community organizations were involved in the community coordination that resulted in the development of the proposal; and

(e) Documentation of the applicant's capacity to provide specialized services and services for underserved populations, as defined in this chapter, and a description of how the applicant intends to comply with service standards and data collection as established by the department.

(2) At a minimum, grant applications for core services must include the following:

(a) The geographic area from which the victims to be served are expected to come;

(b) Assurance of the applicant's compliance with service standards, data collection, and management standards established by the department; and

(c) Documentation of the applicant's capacity to provide core services, as defined in this chapter.

(3) At a minimum, grant applications for children's advocacy centers must include the following:

(a) The geographic area from which the victims to be served are expected to come;

(b) Assurance that the organization is in good standing with the state chapter of children's advocacy centers.

**Sec.**  RCW 70.125.020 and 2012 c 29 s 9 are each amended to read as follows:

The legislature hereby finds and declares that:

(1) Sexual assault is a serious crime in society, affecting a large number of children, women, and men each year;

(2) Efforts over many years to distribute information and collect data have demonstrated the incidence of sexual assault that continues to impact communities, families, and individuals;

(3) Over the past three decades, law enforcement, prosecutors, medical professionals, child protective services, educators, mental health providers, public health professionals, and victim advocates have benefited from a commitment to training and learning regarding appropriate responses to and services for victims of sexual assault;

(4) This same effort has resulted in increased public awareness of sexual assault and its impact on communities, families, and individuals;

(5) Law enforcement, prosecutors, medical professionals, child protective services, educators, mental health providers, public health professionals, and victim advocates should continue to work closely and collaboratively to improve responses to and services for victims of sexual assault;

(6) The physical, emotional, financial, and psychological needs of victims and their families are particularly well‑served by timely and effective services provided in local communities; and

(7) Persons who are victims of sexual assault benefit directly from continued public awareness and education, prosecutions of offenders, a criminal justice system which treats them in a humane manner, and access to victim-centered, culturally relevant services.

**Sec.**  RCW 70.125.030 and 2012 c 29 s 10 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Child protective services" means those services provided by the department designed to protect children from child abuse and neglect and safeguard such children from future abuse and neglect, and investigations of child abuse and neglect reports.

(2) "Children's advocacy center" means a child-focused facility in good standing with the state chapter for children's advocacy centers and that coordinates a multidisciplinary process for the investigation, prosecution, and treatment of sexual and other types of child abuse. Children's advocacy centers provide a location for forensic interviews and coordinate access to services such as, but not limited to, medical evaluations, advocacy, therapy, and case review by multidisciplinary teams within the context of county protocols as defined in RCW 26.44.180 and 26.44.185.

(3) "Community sexual assault program" means a community-based social service agency that is qualified to provide and provides core services to victims of sexual assault.

((~~(2)~~)) (4) "Core services" means those services that are victim-centered community-based advocacy responses to alleviate the impact of sexual assault, as delineated in the Washington state sexual assault services plan of 1995 and its subsequent revisions.

((~~(3)~~)) (5) "Department" means the department of commerce.

((~~(4)~~)) (6) "Law enforcement agencies" means police and sheriff's departments and tribal law enforcement departments or agencies of this state.

((~~(5)~~)) (7) "Multidisciplinary team" means a coordinated team of professionals and agencies that may include prosecutors, law enforcement, child protective services, medical services, and mental health services providing a child-focused services and intervention approach to child abuse cases through a nationally accredited children's advocacy center.

(8) "Personal representative" means a friend, relative, attorney, or employee or volunteer from a community sexual assault program, children's advocacy center, or specialized treatment service provider.

((~~(6)~~)) (9) "Services for underserved populations" means culturally relevant victim-centered community-based advocacy responses to alleviate the impact of sexual assault, as delineated in the Washington state sexual assault services plan of 1995 and its subsequent revisions.

((~~(7)~~)) (10) "Sexual assault" means one or more of the following:

(a) Rape or rape of a child;

(b) Assault with intent to commit rape or rape of a child;

(c) Incest or indecent liberties;

(d) Child molestation;

(e) Sexual misconduct with a minor;

(f) Custodial sexual misconduct;

(g) Crimes with a sexual motivation;

(h) Sexual exploitation or commercial sex abuse of a minor;

(i) Promoting prostitution; or

(j) An attempt to commit any of the aforementioned offenses.

((~~(8)~~)) (11) "Specialized services" means those services intended to alleviate the impact of sexual assault, as delineated in the Washington state sexual assault services plan of 1995 and its subsequent revisions.

((~~(9)~~)) (12) "Victim" means any person who suffers physical, emotional, financial, and psychological impact as a proximate result of a sexual assault.

**Sec.**  RCW 70.125.060 and 1979 ex.s. c 219 s 6 are each amended to read as follows:

(1) If the victim of a sexual assault so desires, a personal representative of the victim's choice may accompany the victim to the hospital or other health care facility, and to proceedings concerning the alleged assault, including police and prosecution interviews and court proceedings.

(2) Where a nationally accredited children's advocacy center exists, if the victim is under the age of thirteen, a child advocacy center multidisciplinary team representative may be assigned to ensure coordination of the victim's medical, legal, and therapeutic response services.

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