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**SUBSTITUTE SENATE BILL 5327**

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**State of Washington 67th Legislature 2021 Regular Session**

**By** Senate Behavioral Health Subcommittee to Health & Long Term Care (originally sponsored by Senators Brown, Frockt, Lovelett, Rivers, Short, Warnick, and Wellman)

AN ACT Relating to a confidential youth safety and well-being tip line; amending RCW 43.79A.040; adding a new chapter to Title 43 RCW; and prescribing penalties.

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

NEW SECTION. **Sec.**  The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Attorney general" means the office of the Washington state attorney general.

(2) "Fund" means the community mental health safety fund created in section 7 of this act.

(3)(a) "Service provider" means a person or entity participating in the YES tip line program and YES tip line established in section 2 of this act by:

(i) Providing direct assistance to persons referred through the YES tip line's operations; and

(ii) Implementing a coordinated response to the YES tip line referral according to the protocols and procedures of the YES tip line program.

(b) Service providers include, but are not limited to, behavioral health providers, community mental health entities, schools, and postsecondary institutions.

(4) "Vendor" means the entity contracted to operate the YES tip line under section 3 of this act.

(5) "Warm transfer" means the timely referral by the YES tip line staff to the service provider in response to a tip. A warm transfer includes, but is not limited to, a direct and successful connection between the person supplying the tip and the service provider, and, when appropriate, an alert to emergency services or other responding entities as required by the YES tip line response procedures.

(6) "YES tip line" means the youth empowered to speak-up statewide resource designed to accept information concerning risks to the safety or well-being of youth as part of the YES tip line program established in section 2 of this act and operated by the YES tip line vendor.

(7) "Youth" means any person or persons less than 25 years old.

NEW SECTION. **Sec.**  (1) To the extent that funds are appropriated for this purpose, the attorney general shall establish a program for receiving and responding to tips from the public regarding risks or potential risks to the safety or well-being of youth, called the YES tip line program. Risks to safety or well-being may include, but are not limited to, harm or threats of harm to self or others, sexual abuse, assault, rape, bullying or cyberbullying, substance use, and criminal acts. The attorney general shall establish the program within the guidelines of this chapter.

(2)(a) The YES tip line program must include a YES tip line for receiving reports and information described in subsection (1) of this section. Any person contacting the YES tip line, whether for themselves or for another person, must receive timely assistance and not be turned away.

(b) The YES tip line shall be operated by a vendor selected by the attorney general through the contracting process described in section 3 of this act.

(3)(a) During the development and implementation of the YES tip line program the attorney general shall convene an advisory committee consisting of representatives from the Washington state patrol, the department of health, the health care authority, the office of the superintendent of public instruction, the Washington student achievement council, the Washington association of educational service districts, and other participants the attorney general appoints.

(b) Youth perspectives must be included and consulted in creating marketing campaigns and materials required for the YES tip line program. The insights of youth representing marginalized and minority communities must be prioritized for their invaluable insight.

(4) The attorney general oversees and administers the YES tip line program's operations.

(5) The attorney general is authorized to apply for, receive, and administer grants and donations from public and private entities for the purpose and intent of this chapter.

(6) The attorney general shall develop and implement processes for:

(a) Assessing tips based on the level of severity, urgency, and assistance needed using best triage practices including the YES tip line:

(i) Risk assessment for referral of persons contacting the YES tip line to service providers;

(ii) Threat assessment that identifies circumstances requiring the YES tip line to alert law enforcement, mental health services, or other first responders immediately when immediate emergency response to a tip is warranted; and

(iii) Referral and follow-up on tips to schools or postsecondary institution teams, local crisis services, law enforcement, and other entities;

(b) YES tip line information data retention and reporting requirements; and

(c) Systematic review, analysis, and reporting by the YES tip line program of YES tip line data including, but not limited to, reporting program utilization and evaluating whether the YES tip line is being implemented equitably across the state.

(7) The attorney general shall ensure that YES tip line program personnel are trained in the following areas:

(a) Crisis management, including recognizing mental illness and emotional disturbance;

(b) The resources that are available in the community for providing mental health treatment and other human services; and

(c) Other matters determined by the attorney general to be relevant to the administration and operation of the program.

(8) The YES tip line program must develop and maintain a reference and best practices tool kit for law enforcement and mental health officials that:

(a) Identifies statewide and community mental health resources, services, and contacts;

(b) Provides the attorney general's best practice recommendations for case investigations involving safety and well-being of youth to:

(i) Assist in identifying whether mental illness or emotional disturbance may be involved; and

(ii) Provide strategies for investigators to use in aiding subjects and their parents or guardians.

(9) The YES tip line program must promote and market the program and YES tip line to youth, families, community members, schools, and others statewide to build awareness of the program's resources and the YES tip line. The attorney general may promote the YES tip line program and YES tip line and provide promotional materials and information on the attorney general's website.

NEW SECTION. **Sec.**  (1)(a) The attorney general shall develop and issue a request for proposals to identify and select a qualified vendor to operate the YES tip line. The attorney general has sole authority over the contracting process and the contract award decision. This subsection does not prohibit the Washington state patrol or other state or local jurisdiction from submitting a proposal to operate the YES tip line.

(b) Any vendor contracting to perform work necessary to implement or sustain the YES tip line program must comply with RCW 41.06.142.

(2)(a) The YES tip line contract must require the vendor to be bound by the requirements of this chapter, including the confidentiality provisions in section 4 of this act.

(b) The state of Washington owns the data and information produced from the YES tip line. The vendor must comply with the state's data retention, use, and security requirements throughout the contract and for such additional postcontracting use as directed by the state.

(c)(i) The YES tip line must directly integrate service providers into its operations so that YES tip line staff may provide a warm transfer of a caller to a service provider to assist them.

(ii) The YES tip line operator must collaborate with school districts and postsecondary education sectors to determine how to implement the YES tip line and how schools and institutions will respond when tips are referred. Teams at each school and postsecondary institutions must be identified and trained by the YES tip line vendor to respond when they receive a YES tip line referral.

(d) The YES tip line must use as many methods of communication and information formats as possible including, but not limited to, toll-free telephone or other voice calling, electronic mail, mobile applications, text messaging, postal mail, photo and video imaging, and information forwarded through a website as determined by the attorney general.

(e) The YES tip line must be staffed with sufficient personnel and technical capacity to meet the needs for timely assistance to persons who contact the YES tip line for assistance 24 hours a day, 365 days a year.

NEW SECTION. **Sec.**  (1) The identity of the person submitting a tip is confidential subject to the exceptions provided in this chapter. Anonymous tips will be accepted if the person submitting the tip refuses to identify themselves. The YES tip line program must establish procedures authorizing a breach of confidentiality to trace the tip so that first responders have necessary information when there is a specific emergency threat to life.

(2) Any report or information submitted to the YES tip line is confidential, and must not be released except as otherwise provided in this chapter.

(3) The personally identifying information of any person submitting a tip and the individual or individuals who are the subject of a tip are not subject to disclosure under chapter 42.56 RCW, the public records act.

(4) Any information submitted to the YES tip line and forwarded by the vendor to a law enforcement official or to a mental health official is confidential, and must not be released except as otherwise provided in this chapter. The information is not subject to disclosure under chapter 42.56 RCW, the public records act.

(5) A person who intentionally discloses information to another person in violation of this section is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than $500, or both.

(6) If a risk assessment of a tip to the YES tip line does not result in a referral to a service provider, or if a law enforcement investigation concludes that no action is warranted to respond to the tip, the name of the tip's subject must be expunged from the records of the entities involved in the YES tip line contact, except as otherwise provided by law.

NEW SECTION. **Sec.**  Information regarding a YES tip line contact, including any personally identifying information, may be disclosed as follows:

(1) By either of the following as necessary for purposes of this chapter and as necessary to address reports and information received under this chapter:

(a) The vendor and its employees performing their duties according to the procedures developed by the YES tip line program; or

(b) The attorney general, law enforcement agencies, the health care authority, and community mental health service programs, and their employees performing their authorized duties. However, this subsection (1)(b) does not allow the disclosure of information that would identify the person who submitted the report or information to the YES tip line;

(2) With the permission of the subject of the information or, if the subject is a minor, with the permission of the minor and their parent or guardian; or

(3) Pursuant to a court order issued under section 6 of this act.

NEW SECTION. **Sec.**  (1) A person who is charged with a criminal offense as a result of a YES tip line contact may petition the court for disclosure of the information from the YES tip line contact, including any personally identifying information, as provided in this subsection. The person charged must notify the prosecuting attorney for the county having jurisdiction and the attorney general of the petition not less than seven days before the hearing on the petition, or as otherwise provided by the court. The attorney general and the county prosecutor have the right to appear in the proceedings.

(2) The court may conduct a hearing on the petition. The court must review the YES tip line information in chambers outside of the petitioner's presence. If the court determines that the YES tip line information is relevant to the criminal proceedings and essential to a fair trial, the court may order the disclosure of the information. The court may limit the release and use of the information, including any personally identifying information, in whole or in part.

(3) If the prosecuting attorney reasonably believes that the YES tip line information was falsely provided through the YES tip line, the prosecuting attorney may petition the court to disclose the report or information, including any personally identifying information. The prosecuting attorney must notify the attorney general not less than seven days before a hearing on the petition, or as otherwise provided by the court. The attorney general has the right to appear at the hearing on the prosecuting attorney's petition. If the court determines a reasonable basis exists to believe that the information was falsely provided, the court may order disclosure of the information, including any personally identifying information. The court may limit the release and use of the information, including any personally identifying information, in whole or in part.

(4) The attorney general may also appear in any other action to oppose the release of information obtained under section 2 of this act through a YES tip line contact, including any personally identifying information.

NEW SECTION. **Sec.**  (1) The community mental health safety fund is created in the custody of the state treasurer.

(2) The attorney general may receive money or other assets from any source for deposit into the fund. The state treasurer shall credit to the fund interest and earnings from fund investments to the fund.

(3) The attorney general may convert assets which are obtained for deposit into the fund into cash.

(4) Money in the fund at the close of the fiscal year must remain in the fund and not lapse to the general fund.

(5) The attorney general is the administrator of the fund for auditing purposes.

(6) The attorney general may expend money from the fund, upon appropriation, only:

(a) To pay the costs of the attorney general for administering this chapter;

(b) To pay the vendor under the YES tip line operations contract;

(c) To market and provide public outreach for the YES tip line program, including the YES tip line and the program website operated by the attorney general; and

(d) For the YES tip line program's training costs as described in section 2 of this act.

(7) Money shall not be expended for any marketing materials or promotions that targets a media market in this state and refers to or uses the image or voice of an elected official, appointed state employee, state employee governed by a senior executive service limited term employment agreement, or candidate for elective office.

**Sec.**  RCW 43.79A.040 and 2020 c 18 s 2 are each amended to read as follows:

(1) Money in the treasurer's trust fund may be deposited, invested, and reinvested by the state treasurer in accordance with RCW 43.84.080 in the same manner and to the same extent as if the money were in the state treasury, and may be commingled with moneys in the state treasury for cash management and cash balance purposes.

(2) All income received from investment of the treasurer's trust fund must be set aside in an account in the treasury trust fund to be known as the investment income account.

(3) The investment income account may be utilized for the payment of purchased banking services on behalf of treasurer's trust funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasurer or affected state agencies. The investment income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments must occur prior to distribution of earnings set forth in subsection (4) of this section.

(4)(a) Monthly, the state treasurer must distribute the earnings credited to the investment income account to the state general fund except under (b), (c), and (d) of this subsection.

(b) The following accounts and funds must receive their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The 24/7 sobriety account, the Washington promise scholarship account, the Gina Grant Bull memorial legislative page scholarship account, the Washington advanced college tuition payment program account, the Washington college savings program account, the accessible communities account, the Washington achieving a better life experience program account, the community and technical college innovation account, the agricultural local fund, the American Indian scholarship endowment fund, the foster care scholarship endowment fund, the foster care endowed scholarship trust fund, the contract harvesting revolving account, the Washington state combined fund drive account, the commemorative works account, the county enhanced 911 excise tax account, the county road administration board emergency loan account, the toll collection account, the developmental disabilities endowment trust fund, the energy account, the fair fund, the family and medical leave insurance account, the fish and wildlife federal lands revolving account, the natural resources federal lands revolving account, the food animal veterinarian conditional scholarship account, the forest health revolving account, the fruit and vegetable inspection account, the educator conditional scholarship account, the game farm alternative account, the GET ready for math and science scholarship account, the Washington global health technologies and product development account, the grain inspection revolving fund, the Washington history day account, the industrial insurance rainy day fund, the juvenile accountability incentive account, the law enforcement officers' and firefighters' plan 2 expense fund, the local tourism promotion account, the low-income home rehabilitation revolving loan program account, the multiagency permitting team account, the northeast Washington wolf-livestock management account, the produce railcar pool account, the regional transportation investment district account, the rural rehabilitation account, the Washington sexual assault kit account, the stadium and exhibition center account, the youth athletic facility account, the self-insurance revolving fund, the children's trust fund, the Washington horse racing commission Washington bred owners' bonus fund and breeder awards account, the Washington horse racing commission class C purse fund account, the individual development account program account, the Washington horse racing commission operating account, the life sciences discovery fund, the Washington state library-archives building account, the reduced cigarette ignition propensity account, the center for deaf and hard of hearing youth account, the school for the blind account, the Millersylvania park trust fund, the public employees' and retirees' insurance reserve fund, the school employees' benefits board insurance reserve fund, the public employees' and retirees' insurance account, the school employees' insurance account, the long-term services and supports trust account, the radiation perpetual maintenance fund, the Indian health improvement reinvestment account, the department of licensing tuition recovery trust fund, the student achievement council tuition recovery trust fund, the tuition recovery trust fund, the industrial insurance premium refund account, the mobile home park relocation fund, the natural resources deposit fund, the Washington state health insurance pool account, the federal forest revolving account, ((~~and~~)) the library operations account, and the community mental health safety fund.

(c) The following accounts and funds must receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The advance right-of-way revolving fund, the advanced environmental mitigation revolving account, the federal narcotics asset forfeitures account, the high occupancy vehicle account, the local rail service assistance account, and the miscellaneous transportation programs account.

(d) Any state agency that has independent authority over accounts or funds not statutorily required to be held in the custody of the state treasurer that deposits funds into a fund or account in the custody of the state treasurer pursuant to an agreement with the office of the state treasurer shall receive its proportionate share of earnings based upon each account's or fund's average daily balance for the period.

(5) In conformance with Article II, section 37 of the state Constitution, no trust accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

NEW SECTION. **Sec.**  (1) The attorney general, in consultation with the health care authority and the vendor, shall file a report by July 31st of each year with the governor, the secretary of the senate, the chief clerk of the house of representatives, the clerk of the senate standing committee on ways and means, and the clerk of the house standing committee on appropriations. The attorney general must post each annual report on its website. The report must include the following information:

(a) The number of YES tip line contacts;

(b) The number of YES tip line contacts referred to local law enforcement;

(c) The number of YES tip line contacts referred to mental health services;

(d) The nature of the YES tip line contacts and information received by the YES tip line by category established by the attorney general;

(e) The local responses to YES tip line contacts by category established by the attorney general;

(f) The source of all funds deposited in the community mental health safety fund;

(g) The attorney general's itemized costs and expenditures to implement the YES tip line program established in this chapter;

(h) The Washington state patrol's itemized costs and expenditures to implement the YES tip line program established in this chapter;

(i) The vendor's contributions, costs, and expenditures under the YES tip line operations contract; and

(j) An analysis of the YES tip line program's overall effectiveness in addressing potential self-harm, potential harm to others, or criminal acts.

(2) To the extent authorized by law, any state agency, political subdivision of the state, or higher education or school entity possessing data or information needed to produce the annual report to the governor and legislature must provide the data or information to the attorney general.

NEW SECTION. **Sec.**  Sections 1 through 7 and 9 of this act constitute a new chapter in Title 43 RCW.

**--- END ---**