

SENATE BILL REPORT

SHB 1571

As of February 26, 2022

Title: An act relating to protections and services for indigenous persons who are missing, murdered, or survivors of human trafficking.

Brief Description: Concerning protections and services for indigenous persons who are missing, murdered, or survivors of human trafficking.

Sponsors: House Committee on Public Safety (originally sponsored by Representatives Mosbrucker, Dye, Boehnke, Ybarra, Jacobsen, Dent, Walen, Graham, Robertson, Maycumber, Barkis, Caldier, Goodman, Berry, Chambers, Wylie, Corry, Griffey, Walsh, Eslick, Chase, Sutherland and Ormsby).

Brief History: Passed House: 2/12/22, 98-0.

Committee Activity: Law & Justice: 2/21/22, 2/24/22 [DP-WM].

Ways & Means: 2/26/22.

Brief Summary of Bill

- Requires a county coroner or medical examiner with jurisdiction over the remains of a deceased indigenous person to make certain efforts to contact family members and affected tribes of the deceased and provide an opportunity for family and affected tribes to conduct spiritual practices or ceremonies, subject to certain limitations.
- Requires a county coroner or medical examiner with jurisdiction over the remains of a deceased indigenous person to make certain efforts to contact the deceased person's family and facilitate return of the remains prior to entrusting the remains to a funeral home.
- Requires the Department of Commerce's Office of Crime Victims Advocacy to establish two grant programs related to services and resources for indigenous survivors of human trafficking.
- Provides that, upon knowledge from certain authorities that a person in

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custody or being released from custody at a jail is the subject of a missing person's report, the jail is required to notify the agency of original jurisdiction for the missing person's report.

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass and be referred to Committee on Ways & Means.

Signed by Senators Dhingra, Chair; Trudeau, Vice Chair; Padden, Ranking Member; McCune, Assistant Ranking Member; Honeyford, Kuderer, Pedersen, Salomon and Wagoner.

Staff: Ryan Giannini (786-7285)

SENATE COMMITTEE ON WAYS & MEANS

Staff: Trevor Press (786-7446)

Background: County Coroners and Medical Examiners. Every county in Washington has a coroner or medical examiner to investigate deaths, conduct inquests, order autopsies, and to determine cause of death in certain cases. The coroner or medical examiner has jurisdiction of bodies of all deceased persons who come to their death through a variety of circumstances. They may authorize an autopsy or postmortem in any case in which the coroner or medical examiner has jurisdiction over the body. Records of the autopsies or postmortems are confidential and may only be released to those parties authorized by statute.

Whenever a person dies within a county without making prior plans for the disposition of their body, and there is no other person willing to provide for the disposition of the body, the county coroner must entrust the body to a funeral home in the county where the body is found.

Office of Crime Victims Advocacy. The Department of Commerce's Office of Crime Victims Advocacy (OCVA) advocates on behalf of victims obtaining services and resources, administers grant funding for community programs working with victims of crimes, assists communities in planning and implementing services for crime victims, and advises local and state government agencies of practices, policies, and priorities which impact crime victims.

National and State Crime Information Centers. The National Crime Information Center is a computerized index of criminal justice information, including information about missing persons, available to federal, state, and local law enforcement and other criminal justice agencies. The Washington State Patrol operates the Washington State Crime Information

Center, which serves to coordinate crime information for all law enforcement agencies in Washington State.

Missing and Murdered Indigenous Women and Other Missing and Murdered Indigenous Persons Liaisons. There are two liaisons for missing and murdered indigenous women and other missing and murdered indigenous persons in the Washington State Patrol. One liaison resides in western Washington, while the other liaison resides in eastern Washington. The liaisons work to build relationships to increase trust between government organizations and native communities.

Summary of Bill: County Coroners and Medical Examiners. County coroners or medical examiners with jurisdiction over the human remains of an indigenous person must cooperate with law enforcement to attempt to identify and contact family members and any affected tribes prior to disturbance of the remains, except as necessary in the interest of safety or to preserve evidence for an ongoing criminal investigation. The attempt to make contact must include an attempt to facilitate contact through the regional liaison for missing and murdered indigenous persons within 10 days of the coroner or medical examiner receiving jurisdiction over the remains.

The coroner or medical examiner is required to allow a family member or tribal representative to visit the remains for the purpose of conducting spiritual practices or ceremonies in accordance with the indigenous person's passing. A family member or representative's activities may not interfere with or jeopardize an ongoing criminal investigation. A family member or representative may not conduct any practices or ceremonies until the county coroner and the lead investigator provide their authorization.

The coroner or medical examiner must also make reasonable efforts to contact family members of the deceased prior to entrusting the body to a funeral home, including an attempt to facilitate contact through the regional liaison for missing and murdered indigenous persons within ten days of the coroner or medical examiner receiving jurisdiction over the remains. Upon a family member's written request, the coroner or medical examiner must provide an estimated time-frame for returning the body to the family, unless doing so would jeopardize an ongoing criminal investigation.

Grant Program—Wraparound Services for Indigenous Survivors of Trafficking. Subject to the availability of funding, the OCVA must establish a competitive grant program to award funding to an eligible public agency, nonprofit community group, or nonprofit treatment provider to establish a pilot project providing wraparound services to indigenous survivors of trafficking by September 1, 2022.

The grant recipient must provide a report to the Department of Commerce (Commerce) on the results of the pilot project by October 1, 2023. Commerce must provide a report on the pilot project to the Governor and appropriate committees of the Legislature by December 1, 2023. The grant program expires January 1, 2024.

Grant Program—Services and Resources for Indigenous Survivors of Trafficking. Subject to the availability of funding, the OCVA must award grant funding to local agencies, nonprofit community groups, and nonprofit treatment providers to increase the visibility and accessibility of services and resources for indigenous survivors of trafficking by September 1, 2022.

The OCVA must award ten grants to eligible applicants—five to applicants in cities west of the crest of the Cascade mountains, and five to applicants in cities east of the crest of the Cascade mountains. Grant recipients shall collaborate with the two liaisons for missing and murdered indigenous persons to develop a campaign to increase the visibility and accessibility of services and resources for indigenous persons who are survivors of human trafficking.

Grant recipients must provide a report to Commerce on the results of their campaigns by October 1, 2023. Commerce must provide a report on the pilot project to the Governor and appropriate committees of the Legislature by December 1, 2023. The grant program expires January 1, 2024.

Missing Persons in Jail. Upon knowledge from the National Crime Information Center, the Washington State Crime Information Center, or similar or subsequent authority, that a person who is the subject of a missing person's report is in custody or being released from custody at a jail, the jail must notify the agency of original jurisdiction for the missing person's report.

Appropriation: The bill contains a section or sections to limit implementation to the availability of amounts appropriated for that specific purpose.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony (Law & Justice): PRO: This bill helps tribal members in the state find missing or deceased loved ones. The bill also enables tribal members to conduct services for loved ones before their remains are moved, which is important for healing and reduces trauma. The grant-funded measures in this bill supports organizations that are creating a safety net for those who are missing and trafficked. This will help missing indigenous persons find a way to safety and for trafficked indigenous persons to reintegrate back into their communities. The bill also ensures that jails are searched for missing indigenous persons. Training should be provided to law enforcement to ensure that indigenous persons can come up to the edge of a crime scene in order to honor a deceased indigenous person without compromising the scene.

Persons Testifying (Law & Justice): PRO: Representative Gina Mosbrucker, Prime Sponsor; Councilman Dana Miller, Yakama Nation; Duane Garvais Lawrence, MMIWBikeRunUSA.

Persons Signed In To Testify But Not Testifying (Law & Justice): No one.

Staff Summary of Public Testimony (Ways & Means): None.

Persons Testifying (Ways & Means): No one.

Persons Signed In To Testify But Not Testifying (Ways & Means): No one.