

1 **SHB 2769 - H AMD 959 ADOPTED 2-16-98**

2 By Representative Clements

3 Strike everything after the enacting clause and insert the
4 following:

5 NEW SECTION. **Sec. 1.** (1) Each state agency and institution of
6 higher education shall develop and make available to all employees, by
7 September 1, 1998, a policy that:

8 (a) Provides that when the agency or institution of higher
9 education has reasonable cause to believe, based on an internal agency
10 reporting process or any investigation, that a crime against a person
11 has been perpetrated by a state employee and that such crime involves
12 conduct occurring in, or related to, the workplace, the agency or
13 institution of higher education must report the incident to the office
14 of crime victims advocacy within a reasonable time, not to exceed seven
15 days;

16 (b) Provides that when the agency or institution of higher
17 education has reasonable cause to believe, based on an internal agency
18 reporting process or any investigation, that a crime not constituting
19 a crime against a person has been perpetrated by a state employee and
20 that such crime involves conduct occurring in, or related to, the
21 workplace, the agency or institution of higher education must report
22 the incident to the attorney general within a reasonable time, not to
23 exceed ten days;

24 (c) Provides procedures for an agency or institution of higher
25 education to, within its discretion, report directly to law enforcement
26 or the local prosecutor when the agency or institution of higher
27 education has reasonable cause to believe, based on an internal agency
28 reporting process or any investigation, that a crime has been
29 perpetrated by a state employee involving conduct occurring in, or
30 related to, the workplace and that the crime poses a substantial risk
31 to the public;

32 (d) Provides that the agency or institution of higher education
33 shall forward any information uncovered in the investigation to the
34 agency it is reporting to; and

1 (e) Informs employees of the services and resources available to
2 victims from the office of crime victims advocacy.

3 (2) Crimes against persons- are those crimes listed as crimes
4 against persons in RCW 9.94A.440.

5 NEW SECTION. **Sec. 2.** (1) The attorney general shall develop and
6 make available to its employees, by September 1, 1998, a policy that,
7 when receiving a report from a state agency or institution of higher
8 education under section 1 of this act:

9 (a) Provides procedures for investigating, reporting, and
10 resolving incidents that are reported;

11 (b) Requires the attorney general to work with the state agency or
12 institution of higher education in resolving the incident;

13 (c) Requires that the attorney general will act in a manner that
14 protects the victim, the citizens of the state, and the state; and

15 (d) Requires the attorney general to report to a law enforcement
16 agency or local prosecutor all instances of crimes that are not crimes
17 against persons. Crimes against persons- are those crimes listed as
18 crimes against persons in RCW 9.94A.440.

19 (2) The attorney general shall report annually to the legislature
20 on the number of reports it has received from state agencies. The
21 attorney general shall submit copies of the report to the speaker of
22 the house of representatives, the majority and minority leaders of the
23 senate, and the governor. The report shall provide the following
24 information: The name of the agency which originated the report; the
25 type of crime; what services if any were offered to the victim; the
26 results of any investigation undertaken by an agency; the costs
27 incurred by the agency for investigating and adjudicating, including
28 settling, the incident, and whether the crime was reported to law
29 enforcement. The report shall not divulge the identify of, or any
30 identifying information about, the victim or alleged perpetrator.

31 NEW SECTION. **Sec. 3.** (1) The office of crime victims advocacy
32 shall provide technical assistance to agencies in the development of
33 their policies. The office shall provide any employees subject to the
34 policies with referrals to needed crime victim services and resources.

35 (2) The office shall report quarterly to the legislature on the
36 number of reports it has received from state agencies. The office

1 shall submit copies of the report to the speaker of the house of
2 representatives and the minority leader of the house of
3 representatives, the majority and minority leaders of the senate, and
4 the governor. The report shall provide the following information: The
5 name of the agency which originated the report; the type of crime; what
6 services if any were offered to the victim; the results of any
7 investigation undertaken by an agency; the costs incurred by the agency
8 for investigating and adjudicating, including settling, the incident,
9 and whether the incident was reported to law enforcement. The report
10 shall not divulge the identity of, or any identifying information
11 about, the victim or alleged perpetrator.

12 NEW SECTION. **Sec. 4.** Sections 1 and 3 of this act are each added
13 to chapter 41.04 RCW. Section 2 of this act is added to chapter 43.10
14 RCW.

15 NEW SECTION. **Sec. 5.** If specific funding for the purposes of
16 this act, referencing this act by bill or chapter number, is not
17 provided by June 30, 1998, in the omnibus appropriates act, this act is
18 null and void.-

EFFECT: Requires a state agency to develop a policy, by September 1, 1998, that (a) requires the agency to report to the office of crime victims advocacy when there is reasonable cause to believe that a state employee has committed a crime against a person and the crime involves conduct occurring in, or related to, the workplace; (b) requires the agency to report to the attorney general if the crime is not a crime against a person; (c) provides for when an agency may report directly to law enforcement or the prosecutor. Requires the attorney general to develop a policy for handling incidents reported by a state agency and requires the attorney general to report to law enforcement crimes that are not crimes against persons. Requires the attorney general to make an annual report to the legislature and the office of crime victims advocacy to make a quarterly report to the legislature. Contains a null and void clause.