

# SENATE BILL REPORT

## ESSB 6288

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As Amended by House, March 5, 2020

**Title:** An act relating to the Washington office of firearm violence prevention.

**Brief Description:** Creating the Washington office of firearm safety and violence prevention.

**Sponsors:** Senate Committee on Law & Justice (originally sponsored by Senators Dhingra, Pedersen, Frockt, Carlyle, Wilson, C., Kuderer, Das, Hunt, Lovelett, Nguyen and Saldaña).

**Brief History:**

**Committee Activity:** Law & Justice: 1/21/20, 1/23/20 [DPS-WM, DNP].

**Ways & Means:** 2/04/20, 2/06/20 [DPS (LAW), DNP, w/oRec].

**Floor Activity:**

Passed Senate: 2/18/20, 25-23.

Passed House: 3/05/20, 53-44.

**Brief Summary of Engrossed First Substitute Bill**

- Creates the Office of Firearm Safety and Violence Prevention (office) within the Department of Commerce.
- Creates the Washington Firearm Violence Intervention and Prevention Grant Program administered by the Office of Firearm Safety and Violence Prevention and adds suicide prevention to the purpose of the grant program.
- Authorizes the office to contract for a statewide helpline and referral service for gun violence victims and their professional services providers and for a best practices guide for therapy to gun violence victims.
- Adds firearm safety to the duties of the office.

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### SENATE COMMITTEE ON LAW & JUSTICE

**Majority Report:** That Substitute Senate Bill No. 6288 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Kuderer and Salomon.

**Minority Report:** Do not pass.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

Signed by Senators Padden, Ranking Member; Holy and Wilson, L..

**Staff:** Melissa Burke-Cain (786-7755)

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## SENATE COMMITTEE ON WAYS & MEANS

**Majority Report:** Do pass.

Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Billig, Carlyle, Conway, Darneille, Dhingra, Hasegawa, Hunt, Keiser, Lias and Pedersen.

**Minority Report:** Do not pass.

Signed by Senators Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Becker, Muzzall, Schoesler, Wagoner, Warnick and Wilson, L..

**Minority Report:** That it be referred without recommendation.

Signed by Senators Braun, Ranking Member; Rivers.

**Staff:** Corban Nemeth (786-7736)

**Background:** Gun violence prevention strategies often develop through collaboration among academic and community-based experts from law enforcement, criminal justice, social welfare, health care, and public health. The Centers for Disease Control (CDC) began studying patterns of violence as a public health issue in 1980 after the U.S. Surgeon General identified violent behavior as a public health priority.

Public health science involves preventing illness, injury, and the spread of disease at a population or community level. From 1992 to 1996, the CDC's National Center for Injury Prevention and Control funded public health research investigating how to reduce deaths and injuries resulting from gun violence. In 1996, Congress enacted a budget proviso to the CDC injury prevention center's budget allocation: "[n]one of the funds made available in this title may be used, in whole or in part, to advocate or promote gun control." The proviso was not a ban on gun violence research, but the CDC discontinued its gun violence-related research in light of the proviso. The CDC continued to collect data reported by states through the National Violent Death Reporting System and data for unintentional firearm injury deaths. Researchers identify limits on national-level data collection and data access as an impediment to their research. Congress continued the budget proviso restriction in subsequent years. In 2018, budget negotiations resulted in compromise language in a budget report. The report said "while appropriations language prohibits the CDC and other agencies from using appropriated funding to advocate or promote gun control, the Secretary of Health and Human Services has stated the CDC has the authority to conduct research on the causes of gun violence."

The American Public Health Association considers gun violence a public health crisis. For approximately 30 years, researchers have integrated core public health concepts of primary prevention into their studies of gun violence to develop evidence-based prevention strategies. Primary prevention activities related to gun violence include:

- conducting surveillance to develop the data needed to track gun-related deaths and injuries;
- identifying the causes of gun violence and assessing the impact of interventions;
- identifying risk factors associated with gun violence and resilience or protective factors that guard against gun violence;
- developing, implementing, and evaluating interventions to reduce risk and build resilience; and
- institutionalizing successful prevention strategies.

Even with limited federal funding and data, gun violence research programs at the state level have continued to integrate public health methods into their research to support evidence-based policy efforts to reduce gun violence. One of the oldest multi-disciplinary research programs is the Violence Prevention Research Program at UC Davis in California. Currently, the New Jersey and New York legislatures are considering measures to create similar programs following California's model. Another program is the Regional Gun Violence Research Consortium based at the Rockefeller Institute of Government in New York. This consortium combines the efforts of six states—Connecticut, Delaware, Massachusetts, New Jersey, New York, and Rhode Island—and Puerto Rico to create a multi-state database supplementing the federal National Instant Criminal Background Check System, to trace and intercept guns used in crimes, as well as guns transported across state borders, and inform policymakers through interdisciplinary research and analysis.

In Washington, Harborview's Injury Prevention and Research Center began researching firearm injuries and deaths in 1985. With the 1996 federal funding reduction, Harborview continued its work using funding from the City of Seattle. In 2019, the state awarded the University of Washington Medical School \$1 million to form the Firearm Injury and Policy Research Program (FIPRP) within Harborview's Injury Prevention and Research Center. The King County Prosecutor's Office criminal strategies unit initiated its Shots Fired Project in 2016 with grant funding from the federal Bureau of Justice Assistance. The project used public health methods to study firearm violence using shooting incident data gathered from King County's law enforcement agencies. In the context of illegal shootings, the public health approach addressed the following questions:

- who is being shot;
- why are they being shot; and
- how can future shootings be prevented?

The prosecutors used the data analysis to produce evidence-based interventions that were likely to reduce preventable injuries and death.

**Summary of Engrossed First Substitute Bill:** The Washington Office of Firearm Safety and Violence Prevention is created within the Department of Commerce to coordinate and promote effective state and local efforts to reduce firearm violence. Its duties include:

- working with law enforcement agencies, county prosecutors, researchers, and public health agencies across the state to improve available data sources, data collection methods, and data-sharing mechanisms and to identify gaps in data needed for ongoing analysis and policy recommendations;

- researching, identifying, and applying for nonstate funding to aid the research, analysis, and implementation of statewide firearm violence intervention and prevention strategies;
- working with the office of crime victims advocacy to identify opportunities to provide support to firearm violence victims;
- administering the Washington Firearm Violence Intervention and Prevention Grant Program; and
- reporting by December 1st, every odd-numbered year, its progress and recommendations beginning with a report submitted in 2021.

Subject to funding, the office shall contract with a level one trauma center in Washington to provide a statewide helpline, counseling, and referral service for gun violence victims and their professional services providers. The office shall also contract with the University of Washington to develop a best practice guide for therapy to gun violence victims.

The Washington Firearm Violence Intervention and Prevention Grant Program is created to improve public health and safety by supporting effective firearm violence reduction initiatives in communities disproportionately affected by firearm violence. Program grants are used to support, expand, and replicate evidence-based violence reduction initiatives. The grants focus on intervention services to the population segment identified as having the highest risk of perpetrating or being victimized by firearm violence including suicides. A competitive process awards grants to cities disproportionately impacted by violence, to law enforcement agencies in those cities, and to community-based organizations serving the residents of those cities. Two or more cities may submit joint applications to better address regional problems.

Grant proposals must include the following:

- clearly defined and measurable grant objectives;
- a statement describing the proposed use of the grant to implement an evidence-based firearm violence reduction initiative;
- a statement describing the proposed use of the grant to enhance coordination of existing violence prevention and intervention program while minimizing duplication of services; and
- evidence showing the proposed firearm violence reduction initiative would likely reduce the incidence of firearm violence.

When awarding grants, applicants whose proposals demonstrate the greatest likelihood of reducing firearm violence in the community without contributing to mass incarceration receive preference.

Each grantee city must distribute at least 50 percent of the funds to one or more of any of the following entities:

- community-based organizations; and
- public agencies or departments primarily dedicated to community safety or firearm violence prevention.

The Office of Firearm Safety and Violence Prevention must form a grant selection advisory committee including persons who:

- have been impacted by violence;
- formerly incarcerated persons; and
- persons with direct experience implementing evidence-based violence reduction initiatives, including initiatives incorporating public health and community-based approaches.

The grantee must report its progress in achieving the grant objectives as required by the Office of Firearm Safety and Violence Prevention. The office is authorized to contract with an independent entity to evaluate the program's effectiveness.

**Appropriation:** None.

**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 on Original Bill (Law & Justice):** *The committee recommended a different version of the bill than what was heard.* PRO: Under this bill the "Shots Fired" project could be extended to other parts of the state, collecting good data, finding out what the data shows, and taking a preventive approach to gun violence. The burden of gun violence falls disproportionately on our black and brown residents. Seattle experiences almost one shooting per day. This bill is a first by prioritizing prevention. Community-based programs have been effective in other places in the country in reducing gun violence. In law enforcement we see far too many youth killed. This program would start the change on all levels and should help us understand the causes and effects of gun violence. Everyone in a community can be affected by gun violence, and victims should be provided with help. As someone in the community where the disproportionate impact of gun violence takes place, this bill was written with the people most affected in mind. For example, it is vital that language is included that the work be performed without contributing to mass incarceration. It is important for lived experience to be represented on the grant selection committee. Gun violence is not a single problem; gun violence includes domestic violence, mass shootings, suicide, and urban gun violence. All the aspects of gun violence are part of the big picture. This bill focuses on the daily shootings, in which the victims are overwhelmingly young men of color. A body of public health research shows that violence intervention strategies are effectively given reliable funding, and a focus on the highest risk individuals. The bill establishes a program that is similar to community based programs in Massachusetts, New York, and California. Many organizations in this state are dedicated to gun violence prevention. Gun violence is a public health crisis, but there is currently no direct budget allocation to fund gun violence prevention. Gun violence tears communities apart and burdens taxpayers with health care and law enforcement costs. Gun violence is the leading cause of death for black children and teens. These tragedies break families and result in a cycle of violence that spreads like a disease. The proposal relies on analytics, but firearm violence and medical care is not documented in a consistent way within the county, so the data is not accurate.

CON: There is no fiscal note yet, but my prediction is that the costs of the grants and the office will be paid by raising fees. These fees are taxes that gun owners pay for policy development that leads to more gun control. Without an end point to the program, and the bill has no indicator of at what point the end point is met, the program is just a jobs program. Nothing makes gun advocates more angry than taxing them to work against them. By excluding law enforcement from the grant process, the funding brings in anti-gun groups. There is no accountability in this bill. Seattle does not prosecute as many cases as it should. The framework excludes a multi-disciplinary approach. The administration and Legislature shows no interest in using facts or data in crafting its gun violence response. Bills sponsored by the Governor and the attorney general are unsupported by data or facts. There are no facts to justify a training requirement as a condition to obtaining a CPL. People with a CPL are the least likely to cause gun violence. If the money goes to Seattle, it will be serving an agenda. This state abuses its funding and uses it for unsound methods. Homelessness and mental health needs are important in criminality. Money for CDC research was refunded. Congress did not ban gun violence research. The bill creates an open ended bureaucracy in which politics will drive analytics and there will be no benefit to the public. The data will be ignored and there is no accountability to the public.

**Persons Testifying (Law & Justice):** PRO: Senator Manka Dhingra, Prime Sponsor; Chief Adrian Diaz, City of Seattle; Dan Carew, King County Prosecuting Attorney's Office; Durrell Green, Choose 180; Evan Cook, FWYAN; Keaton Dickinson, Moms Demand Action; Catherine Parker, Moms Demand Action; Nancy Dombrowski, Moms Demand Action; Catherine Parker, Moms Demand Action for Gun Sense in America; Nancy Belcher, CEO, King County Medical Society.

CON: Kelly Wright, citizen; Tom Kwieciak, National Rifle Association; Phil Watson, citizen; Denny Gulla, citizen; Daniel Mitchell, citizen.

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

**Staff Summary of Public Testimony on First Substitute (Ways & Means):** PRO: This bill is about understanding where violence occurs in our community and how we can intervene and address the problem. The King County Shots Fired program brings a public health approach to firearm violence with an emphasis on early intervention and prevention, and this bill would create a similar statewide program.

CON: Nobody opposes legitimate research, but there has been little interest in using facts or data to support legislation. This is an opaque program, and this bill should not be a priority compared to other firearm safety programs. This bill is about politics, and we already have methods for statistics and data.

**Persons Testifying (Ways & Means):** PRO: Senator Manka Dhingra, Prime Sponsor.

CON: Tom Kwieciak, National Rifle Association; Phil Watson, citizen.

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

**EFFECT OF HOUSE AMENDMENT(S):**

- Makes a technical correction to a cross-referenced section.
- Provides that grant proposals include a statement on implementation of a firearm violence reduction initiative as opposed to a firearm reduction initiative.