

SENATE BILL REPORT

SSB 5360

AS PASSED SENATE, MARCH 8, 1993

Brief Description: Creating new procedures for reporting domestic violence.

SPONSORS: Senate Committee on Law & Justice (originally sponsored by Senators A. Smith, Roach, Spanel, M. Rasmussen, Winsley and von Reichbauer)

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: That Substitute Senate Bill No. 5360 be substituted therefor, and the substitute bill do pass.

Signed by Senators A. Smith, Chairman; Quigley, Vice Chairman; Hargrove, McCaslin, Nelson, Niemi, Rinehart, Roach, and Spanel.

Staff: Susan Carlson (786-7418); Jon Carlson (786-7459)

Hearing Dates: February 2, 1993; February 10, 1993

HOUSE COMMITTEE ON JUDICIARY

HOUSE COMMITTEE ON APPROPRIATIONS

BACKGROUND:

The final report of the Domestic Violence Task Force included recommendations that the Legislature mandate the use of simplified form protection orders, require instructions and brochures explaining the process for obtaining a protection order, and provide for the translation of these items for non-English speaking persons. The task force also recommended that the Legislature require statewide collection of law enforcement data identifying all incidents of domestic violence. These proposals were included in legislation considered in the 1992 session, but were vetoed by the Governor due to a lack of funding.

SUMMARY:

The Legislature finds that domestic violence is a problem of immense proportions, that the existing protection order process should be refined to require the use of standard forms, and that information should be translated for use by non-English speaking persons. To assist in policy formulation, data about reported incidents of domestic violence needs to be gathered from law enforcement.

By July 1, 1994, the Administrator for the Courts, in consultation with interested persons, is required to prepare instructions, informational brochures, standard petition and

order for protection forms, and a court staff handbook on domestic violence. The petition and order forms must be used for all protection orders sought after September 1, 1994.

Beginning January 1, 1994, all law enforcement agencies must submit records of incidents of domestic violence to the Washington Association of Sheriffs and Police Chiefs. A compilation of this data must be included in the annual report of crime produced by the association.

Appropriation: none

Revenue: none

Fiscal Note: available

TESTIMONY FOR:

The development of instructions, informational brochures, mandatory forms and a court staff handbook will be valuable to victims, law enforcement and court staff. The reporting of incidents of domestic violence will provide better information about the nature and extent of the domestic violence problem and result in improved planning and allocation of resources to address the problem.

TESTIMONY AGAINST: None

TESTIFIED: Bev Ickes, WA Assoc. of Sheriffs & Police Chiefs; Janet McLane, Office of the Administrator for the Courts; PRO: Sheri Yeatts, King County Prosecutor Protection Order Program; Lupe Cavazos, Seattle City Attorney Family Violence Project; Mary Pontarolo, WA State Coalition Against Domestic Violence; Nancy Ashley, Human Services Roundtable; Jane Hague, Bellevue City Council; Pam Davenport, Secretary of State's Office; Debbie Wilke, WA Assoc. of County Officials

HOUSE AMENDMENT(S):

References to court staff are replaced with references to court clerks as appropriate. A notice provision pertaining to orders for protection is rewritten.

The Administrator for the Courts must translate the instructions and brochures into specified foreign languages. The translated material must be delivered to court clerks by January 1, 1995. This requirement is null and void unless funding is provided in the budget.

Additional rights are provided to adult and child victims of violent or sex offenses. Reasonable efforts must be made to give the victim a written statement of the victim's rights. The statement should include the name, address, and telephone number of a county or local crime victim/witness program, if such a program exists. If the victim is a child, the statement may either be given to the child or to the child's parent or guardian, if appropriate. The statement should be

given when the victim reports the crime. Crime victim/witness programs are defined.

Reasonable efforts must also be made to have a crime victim advocate from a crime victim/witness program present at any prosecutorial or defense interviews with the victim. This requirement applies only if the presence of the crime victim advocate does not cause delay in the investigation or prosecution of the case. The role of the advocate is to provide emotional support to the victim.