

2 **E2SHB 2588** - S AMD - 214

3 By Senators Costa, Long, Heavey and Hargrove

4 ADOPTED 3/2/00

5 Strike everything after the enacting clause and insert the
6 following:

7 NEW SECTION. **Sec. 1.** Unless the context clearly requires
8 otherwise, the definitions in this section apply throughout this
9 chapter.

10 (1) "Department" means the department of social and health
11 services.

12 (2) "Domestic violence fatality" means a homicide or suicide under
13 any of the following circumstances:

14 (a) The alleged perpetrator and victim resided together at any
15 time;

16 (b) The alleged perpetrator and victim have a child in common;

17 (c) The alleged perpetrator and victim were married, divorced,
18 separated, or had a dating relationship;

19 (d) The alleged perpetrator had been stalking the victim;

20 (e) The homicide victim lived in the same household, was present at
21 the workplace of, was in proximity of, or was related by blood or
22 affinity to a victim who experienced or was threatened with domestic
23 abuse by the alleged perpetrator; or

24 (f) The victim or perpetrator was a child of a person in a
25 relationship that is described within this subsection.

26 This subsection should be interpreted broadly to give the domestic
27 violence fatality review panels discretion to review fatalities that
28 have occurred directly to domestic relationships.

29 NEW SECTION. **Sec. 2.** (1) Subject to the availability of state
30 funds, the department shall contract with an entity with expertise in
31 domestic violence policy and education and with a state-wide
32 perspective to coordinate review of domestic violence fatalities. The
33 coordinating entity shall be authorized to:

34 (a) Convene regional review panels;

35 (b) Gather information for use of regional review panels;

1 (c) Provide training and technical assistance to regional review
2 panels;

3 (d) Compile information and issue biennial reports with
4 recommendations; and

5 (e) Establish a protocol that may be used as a guideline for
6 identifying domestic violence related fatalities, forming review
7 panels, convening reviews, and selecting which cases to review. The
8 coordinating entity may also establish protocols for data collection
9 and preservation of confidentiality.

10 (2)(a) The coordinating entity may convene a regional domestic
11 violence fatality review panel to review any domestic violence
12 fatality.

13 (b) Private citizens may request a review of a particular death by
14 submitting a written request to the coordinating entity within two
15 years of the death. Of these, the appropriate regional review panel
16 may review those cases which fit the criteria set forth in the protocol
17 for the project.

18 NEW SECTION. **Sec. 3.** (1) Regional domestic violence fatality
19 review panels shall include but not be limited to:

20 (a) Medical personnel with expertise in domestic violence abuse;

21 (b) Coroners or medical examiners or others experienced in the
22 field of forensic pathology, if available;

23 (c) County prosecuting attorneys and municipal attorneys;

24 (d) Domestic violence shelter service staff and domestic violence
25 victims' advocates;

26 (e) Law enforcement personnel;

27 (f) Local health department staff;

28 (g) Child protective services workers;

29 (h) Community corrections professionals;

30 (i) Perpetrator treatment program provider; and

31 (j) Judges, court administrators, and/or their representatives.

32 (2) Regional domestic violence fatality review panels may also
33 invite other relevant persons to serve on an ad hoc basis and
34 participate as full members of the review team for a particular review.
35 These persons may include, but are not limited to:

36 (a) Individuals with particular expertise helpful to the regional
37 review panel;

1 (b) Representatives of organizations or agencies that had contact
2 with or provided services to the homicide victim or to the alleged
3 perpetrator.

4 (3) The regional review panels shall make periodic reports to the
5 coordinating entity and shall make a final report to the coordinating
6 entity with regard to every fatality that is reviewed.

7 NEW SECTION. **Sec. 4.** (1) An oral or written communication or a
8 document shared within or produced by a regional domestic violence
9 fatality review panel related to a domestic violence fatality review is
10 confidential and not subject to disclosure or discoverable by a third
11 party. An oral or written communication or a document provided by a
12 third party to a regional domestic violence fatality review panel, or
13 between a third party and a regional domestic violence fatality review
14 panel is confidential and not subject to disclosure or discovery by a
15 third party. Notwithstanding the foregoing, recommendations from the
16 regional domestic violence fatality review panel and the coordinating
17 entity generally may be disclosed minus personal identifiers.

18 (2) The regional review panels, only to the extent otherwise
19 permitted by law or court rule, shall have access to information and
20 records regarding the domestic violence victims and perpetrators under
21 review held by domestic violence perpetrators' treatment providers;
22 dental care providers; hospitals, medical providers, and pathologists;
23 coroners and medical examiners; mental health providers; lawyers; the
24 state and local governments; the courts; and employers. The
25 coordinating entity and the regional review panels shall maintain the
26 confidentiality of such information to the extent required by any
27 applicable law.

28 (3) The regional review panels shall review, only to the extent
29 otherwise permitted by law or court rule when determined to be relevant
30 and necessary to an investigation, guardian ad litem reports, parenting
31 evaluations, and victim impact statements; probation information;
32 mental health evaluations done for court; presentence interviews and
33 reports, and any recommendations made regarding bail and release on own
34 recognizance; child protection services, welfare, and other information
35 held by the department; any law enforcement incident documentation,
36 such as incident reports, dispatch records, victim, witness, and
37 suspect statements, and any supplemental reports, probable cause
38 statements, and 911 call taker's reports; corrections and postsentence

1 supervision reports; and any other information determined to be
2 relevant to the review. The coordinating entity and the regional
3 review panels shall maintain the confidentiality of such information to
4 the extent required by any applicable law.

5 NEW SECTION. **Sec. 5.** If acting in good faith, without malice, and
6 within the parameters of this chapter and the protocols established,
7 representatives of the coordinating entity and the regional domestic
8 violence fatality review panels are immune from civil liability for an
9 activity related to reviews of particular fatalities.

10 NEW SECTION. **Sec. 6.** Within available funds, data regarding each
11 domestic violence fatality review shall be collected on standard forms
12 created by the coordinating entity. Data collected on reviewed
13 fatalities shall be compiled and analyzed for the purposes of
14 identifying points at which the system response to domestic violence
15 could be improved and identifying patterns in domestic violence
16 fatalities.

17 NEW SECTION. **Sec. 7.** (1) A biennial state-wide report shall be
18 issued by the coordinating entity in December of even-numbered years
19 containing recommendations on policy changes that would improve program
20 performance, and issues identified through the work of the regional
21 panels. Copies of this report shall be distributed to the governor,
22 the house of representatives children and family services and criminal
23 justice and corrections committees, and the senate human services and
24 corrections and judiciary committees and to those agencies involved in
25 the regional domestic violence fatality review panels.

26 (2) The annual report in December 2010 shall contain a
27 recommendation as to whether or not the domestic violence review
28 process provided for in this chapter should continue or be terminated
29 by the legislature.

30 NEW SECTION. **Sec. 8.** Sections 1 through 7 of this act constitute
31 a new chapter in Title 43 RCW.

32 NEW SECTION. **Sec. 9.** If any part of this act is found to be in
33 conflict with federal requirements that are a prescribed condition to
34 the allocation of federal funds to the state, the conflicting part of

1 this act is inoperative solely to the extent of the conflict and with
2 respect to the agencies directly affected, and this finding does not
3 affect the operation of the remainder of this act in its application to
4 the agencies concerned. Rules adopted under this act must meet federal
5 requirements that are a necessary condition to the receipt of federal
6 funds by the state.

7 NEW SECTION. **Sec. 10.** If specific funding for the purposes of
8 this act, referencing this act by bill or chapter number, is not
9 provided by June 30, 2000, in the omnibus appropriations act, this act
10 is null and void."

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14 On page 1, line 1 of the title, after "reviews;" strike the
15 remainder of the title and insert "adding a new chapter to Title 43
16 RCW; and creating new sections."

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