

CERTIFICATION OF ENROLLMENT  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL 2588

56th Legislature  
2000 Regular Session

Passed by the House March 7, 2000  
Yeas 98 Nays 0

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**Speaker of the House of Representatives**

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**Speaker of the House of Representatives**

Passed by the Senate March 2, 2000  
Yeas 48 Nays 0

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**President of the Senate**

Approved

\_\_\_\_\_  
**Governor of the State of Washington**

CERTIFICATE

We, Timothy A. Martin and Cynthia Zehnder, Co-Chief Clerks of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SECOND SUBSTITUTE HOUSE BILL 2588** as passed by the House of Representatives and the Senate on the dates hereon set forth.

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**Chief Clerk**

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**Chief Clerk**

FILED

**Secretary of State  
State of Washington**

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ENGROSSED SECOND SUBSTITUTE HOUSE BILL 2588

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AS AMENDED BY THE SENATE

Passed Legislature - 2000 Regular Session

State of Washington                      56th Legislature                      2000 Regular Session

By House Committee on Appropriations (originally sponsored by Representatives Tokuda, D. Sommers, Kagi, Boldt, Kenney, Dickerson, Ogden, Veloria, Haigh, Santos, Romero, O'Brien, Edwards, Constantine, Rockefeller, Miloscia and McIntire)

Read first time 02/07/2000. Referred to Committee on .

1            AN ACT Relating to domestic violence fatality reviews; adding a new  
2 chapter to Title 43 RCW; and creating new sections.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4            NEW SECTION.        **Sec. 1.**        Unless the context clearly requires  
5 otherwise, the definitions in this section apply throughout this  
6 chapter.

7            (1) "Department" means the department of social and health  
8 services.

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

11            (a) The alleged perpetrator and victim resided together at any  
12 time;

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

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

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

17            (e) The homicide victim lived in the same household, was present at  
18 the workplace of, was in proximity of, or was related by blood or

1 affinity to a victim who experienced or was threatened with domestic  
2 abuse by the alleged perpetrator; or

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

5 This subsection should be interpreted broadly to give the domestic  
6 violence fatality review panels discretion to review fatalities that  
7 have occurred directly to domestic relationships.

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

13 (a) Convene regional review panels;

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

15 (c) Provide training and technical assistance to regional review  
16 panels;

17 (d) Compile information and issue biennial reports with  
18 recommendations; and

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

24 (2)(a) The coordinating entity may convene a regional domestic  
25 violence fatality review panel to review any domestic violence  
26 fatality.

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

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

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

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

37 (c) County prosecuting attorneys and municipal attorneys;

1 (d) Domestic violence shelter service staff and domestic violence  
2 victims' advocates;

3 (e) Law enforcement personnel;

4 (f) Local health department staff;

5 (g) Child protective services workers;

6 (h) Community corrections professionals;

7 (i) Perpetrator treatment program provider; and

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

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

13 (a) Individuals with particular expertise helpful to the regional  
14 review panel;

15 (b) Representatives of organizations or agencies that had contact  
16 with or provided services to the homicide victim or to the alleged  
17 perpetrator.

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

21 NEW SECTION. **Sec. 4.** (1) An oral or written communication or a  
22 document shared within or produced by a regional domestic violence  
23 fatality review panel related to a domestic violence fatality review is  
24 confidential and not subject to disclosure or discoverable by a third  
25 party. An oral or written communication or a document provided by a  
26 third party to a regional domestic violence fatality review panel, or  
27 between a third party and a regional domestic violence fatality review  
28 panel is confidential and not subject to disclosure or discovery by a  
29 third party. Notwithstanding the foregoing, recommendations from the  
30 regional domestic violence fatality review panel and the coordinating  
31 entity generally may be disclosed minus personal identifiers.

32 (2) The regional review panels, only to the extent otherwise  
33 permitted by law or court rule, shall have access to information and  
34 records regarding the domestic violence victims and perpetrators under  
35 review held by domestic violence perpetrators' treatment providers;  
36 dental care providers; hospitals, medical providers, and pathologists;  
37 coroners and medical examiners; mental health providers; lawyers; the  
38 state and local governments; the courts; and employers. The

1 coordinating entity and the regional review panels shall maintain the  
2 confidentiality of such information to the extent required by any  
3 applicable law.

4 (3) The regional review panels shall review, only to the extent  
5 otherwise permitted by law or court rule when determined to be relevant  
6 and necessary to an investigation, guardian ad litem reports, parenting  
7 evaluations, and victim impact statements; probation information;  
8 mental health evaluations done for court; presentence interviews and  
9 reports, and any recommendations made regarding bail and release on own  
10 recognizance; child protection services, welfare, and other information  
11 held by the department; any law enforcement incident documentation,  
12 such as incident reports, dispatch records, victim, witness, and  
13 suspect statements, and any supplemental reports, probable cause  
14 statements, and 911 call taker's reports; corrections and postsentence  
15 supervision reports; and any other information determined to be  
16 relevant to the review. The coordinating entity and the regional  
17 review panels shall maintain the confidentiality of such information to  
18 the extent required by any applicable law.

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

24 NEW SECTION. **Sec. 6.** Within available funds, data regarding each  
25 domestic violence fatality review shall be collected on standard forms  
26 created by the coordinating entity. Data collected on reviewed  
27 fatalities shall be compiled and analyzed for the purposes of  
28 identifying points at which the system response to domestic violence  
29 could be improved and identifying patterns in domestic violence  
30 fatalities.

31 NEW SECTION. **Sec. 7.** (1) A biennial state-wide report shall be  
32 issued by the coordinating entity in December of even-numbered years  
33 containing recommendations on policy changes that would improve program  
34 performance, and issues identified through the work of the regional  
35 panels. Copies of this report shall be distributed to the governor,  
36 the house of representatives children and family services and criminal

1 justice and corrections committees, and the senate human services and  
2 corrections and judiciary committees and to those agencies involved in  
3 the regional domestic violence fatality review panels.

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

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

10 NEW SECTION. **Sec. 9.** If any part of this act is found to be in  
11 conflict with federal requirements that are a prescribed condition to  
12 the allocation of federal funds to the state, the conflicting part of  
13 this act is inoperative solely to the extent of the conflict and with  
14 respect to the agencies directly affected, and this finding does not  
15 affect the operation of the remainder of this act in its application to  
16 the agencies concerned. Rules adopted under this act must meet federal  
17 requirements that are a necessary condition to the receipt of federal  
18 funds by the state.

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

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