

SENATE BILL REPORT

SB 5573

As Reported by Senate Committee On:
Human Services, Reentry & Rehabilitation, February 12, 2019

Title: An act relating to domestic violence and traumatic brain injury.

Brief Description: Concerning domestic violence and traumatic brain injury.

Sponsors: Senators Warnick, Hunt, Fortunato, Takko, Zeiger, Wilson, C., Hasegawa, Walsh, Schoesler, McCoy, Honeyford, Rolfes, Sheldon, Liias, Darneille, Keiser, Nguyen, Saldaña, Van De Wege and Wilson, L..

Brief History:

Committee Activity: Human Services, Reentry & Rehabilitation: 2/06/19, 2/12/19 [DP].

Brief Summary of Bill

- Requires the Department of Social and Health Services to prepare an educational handout regarding traumatic brain injury (TBI) for victims of domestic violence.
- Requires the Criminal Justice Training Commission to train law enforcement in the recognition of probable TBI.

SENATE COMMITTEE ON HUMAN SERVICES, REENTRY & REHABILITATION

Majority Report: Do pass.

Signed by Senators Darneille, Chair; Nguyen, Vice Chair; Walsh, Ranking Member; O'Ban, Wilson, C. and Zeiger.

Staff: Keri Waterland (786-7490)

Background: According to the Washington State Department of Health, TBI is a serious public health problem in the United States. A TBI is caused by a bump, blow, jolt, or penetration to the head that disrupts the normal function of the brain. Each year, TBI's contribute to a substantial number of deaths and cases of permanent disability.

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.

Each year, 2.3 percent of women over the age of eighteen experience severe physical violence including “being slammed against something” or “being hit with a fist or something hard,” according to a U.S. Centers for Disease Control and Prevention report.

Up to 90 percent of survivors of intimate partner violence report head, neck, and face injuries at least once, and typically on multiple occasions. Additionally, women who receive TBI's from domestic violence are gaining attention, yet research studies are lacking in this area. A literature review conducted on TBI from domestic violence found prevalence of 60 to 92 percent of abused women obtained a TBI directly correlated with domestic violence. Adverse overlapping health outcomes are associated with both TBI and domestic violence. Genetic predisposition and epigenetic changes can occur after TBI and add increased vulnerability to receiving and inflicting a TBI. To provide appropriate treatment and improve the health of women and families, health care providers and community health workers need awareness of the link between domestic violence and TBI.

Summary of Bill: DSHS, in consultation with the Washington TBI strategic partnership advisory council (advisory council), shall recommend or develop an educational handout regarding TBI to be provided to domestic violence victims.

The handout must include:

- an explanation of the potential for domestic violence to lead to TBI;
- information, including a self-screening tool, on recognizing cognitive, behavioral, and physical symptoms of TBI, as well as potential impacts to a person's emotional well-being and mental health; and
- recommendations for persons with TBI to address or cope with the injury.

DSHS must update the handout on a periodic basis and make the handout available for use by law enforcement and the Administrative Office of the Courts (AOC).

The AOC must include the handout as part of the information brochures provided to persons seeking protection orders.

The Criminal Justice Training Commission shall add recognition of the signs and symptoms of possible or probable TBI to law enforcement officers training curriculum.

Law enforcement officers shall provide victims with a copy of the handout created by DSHS in consultation with the advisory council. Each law enforcement agency shall include a notation of probable incidents of TBI in the records they currently track for incidents of domestic violence.

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: PRO: This bill is straightforward and I am hoping it will be considered. TBI is devastating for all involved, it changes everything because everything we are is in our brains. My mother was a victim of DV, and she had to give up everything to protect me. By not giving information about TBI, we put victims of domestic violence (DV) in a cycle of abuse. I did get information about DV, but did not get anything about a TBI or medical treatment, I am in the process of still recovering, 36 years later because I did not have information on TBI. Rapid recovery has a better chance when TBI is identified and treated early on. The window of opportunity for improvement is within two years of injury. Rapid success is possible, if I would have had knowledge or treatment I would be different. There is some potential amendatory language that was in the house and I will have it shortly to send for consideration.

Persons Testifying: PRO: Senator Judy Warnick, Prime Sponsor; Daniella Clark, Traumatic Brain Injury Advocate; Carey Morris, Washington State Coalition Against Domestic Violence; Edwina Waehling, Traumatic Brain Injury Group Co-Facilitator; Nick Mernoosh, Traumatic Brain Injury Specialist at Eastern Washington University.

Persons Signed In To Testify But Not Testifying: No one.