

HOUSE BILL REPORT

HB 1333

As Reported by House Committee On:
State Government & Tribal Relations

Title: An act relating to establishing the domestic violent extremism commission.

Brief Description: Establishing the domestic violent extremism commission.

Sponsors: Representatives Ramos, Berg, Berry, Duerr, Leavitt, Taylor, Mena, Peterson, Ramel, Ryu, Senn, Simmons, Street, Reed, Lekanoff, Doglio, Cortes, Pollet, Callan, Fosse, Macri and Stonier.

Brief History:

Committee Activity:

State Government & Tribal Relations: 1/24/23, 1/31/23 [DPS].

Brief Summary of Substitute Bill

- Creates the Domestic Violent Extremism Commission (Commission), composed of 13 members, in the Office of the Attorney General to establish a comprehensive public health and community-based framework for responding to domestic violent extremism.
- Expires the Commission on September 1, 2025.

HOUSE COMMITTEE ON STATE GOVERNMENT & TRIBAL RELATIONS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 4 members: Representatives Ramos, Chair; Stearns, Vice Chair; Gregerson and Mena.

Minority Report: Do not pass. Signed by 3 members: Representatives Abbarno, Ranking Minority Member; Christian, Assistant Ranking Minority Member; Low.

Staff: Desiree Omli (786-7105).

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

Background:

The Federal Bureau of Investigation (FBI) and the Department of Homeland Security (DHS) use the term "domestic violent extremism" to refer to domestic terrorism threats. Under federal law, "domestic terrorism" is defined as activities that: (1) involve acts dangerous to human life that are a violation of the criminal laws of the United States or any state; (2) appear to be intended to intimidate or coerce a civilian population, to influence the policy of a government by intimidation or coercion, or to affect the conduct of a government by mass destruction, assassination, or kidnaping; and (3) occur primarily within the territorial jurisdiction of the United States. The FBI and the DHS define a domestic violent extremist as an individual based and operating primarily in the United States without direction or inspiration from a foreign terrorist group or other foreign power and who seeks to further political or social goals wholly or in part through unlawful acts of force of violence. However, the federal intelligence community has acknowledged that mere advocacy of political or social positions, political activism, use of strong rhetoric, or generalized philosophic embrace of violent tactics may not constitute violent extremism, and may be constitutionally protected.

In 2022 the state Office of the Attorney General (AGO) was appropriated \$125,000 to study state and local responses to acts or potential acts of domestic terrorism in the state. In conducting the study, the AGO was required to review laws and policies regarding domestic terrorism including:

- federal, state, and local laws regarding acts of domestic terrorism, including how a criminal incident is determined to be an act of domestic terrorism;
- state and local data collection, tracking, and reporting practices as related to acts of domestic terrorism; and
- state and local policies regarding responding to acts of domestic terrorism.

As part of the study, the AGO was required to submit a report that includes:

- a summary of current laws and policies regarding acts of domestic terrorism;
- recommended best practices for standardizing and improving data collection, tracking, and reporting on acts of domestic terrorism at the state and local level;
- recommendations for strengthening law enforcement, prosecutorial, and other local government responses to a potential act of domestic terrorism; and
- recommendations for any statutory changes that may be necessary for clarity and consistency.

The AGO, in its report, recommended that:

- a two-year commission be created within the AGO to include a broad cross section of relevant stakeholders, with the goal of proposing specific steps to adopt and fund a comprehensive public health and community-based framework for responding to domestic violent extremism, based on expert research and data;
- the commission propose specific steps to improve, standardize, and add transparency to data collection and reporting on incidents of domestic violent extremism;

- the commission conduct and publish a review of the state's existing civil and criminal codes to create a toolkit of potential legal options to respond to domestic violent extremism;
- a Journalism Fellowship Program be created to combat misinformation and disinformation;
- legislation be passed to protect election workers; and
- the Legislature create a fund for elected officials to have additional security at sensitive locations and around political events and public gatherings that may pose a risk to their safety.

Summary of Substitute Bill:

The Domestic Violent Extremism Commission (Commission) is established within the AGO to establish a comprehensive public health and community-based framework for responding to domestic violent extremism. The Commission consists of the following 13 members:

- four legislators, one appointed by each of the two largest caucuses of the Senate, and one appointed by each of the two largest caucuses of the House of Representatives;
- one representative from the Governor's office, appointed by the Governor;
- one representative from the AGO;
- one representative with expertise in public health, appointed by the Attorney General; and
- six representatives, appointed by the Attorney General, from organizations representing groups protected under the state's hate crime statute, which protects persons from hate crime based on race, color, religion, ancestry, national origin, gender, sexual orientation, gender expression or identity, mental disability, physical disability, or sensory disability.

In addition to the membership above, the Commission must extend an invitation to the following entities to participate in, or provide feedback to, the Commission:

- a representative from the FBI;
- a representative from the DHS;
- a representative from a federally recognized tribe; and
- nonmember groups and individuals with relevant experience, as needed.

The duties of the Commission include:

- identifying community-led and evidence-based solutions to combat disinformation and misinformation, address early signs of radicalization, and develop a public health-style response;
- evaluating any future data-tracking recommendations around domestic violent extremism; and

- evaluating current legal tools and making recommendations for potential new legislation and regulations to address domestic violent extremism.

The Commission must create a report, and the AGO must publish it, no later than August 30, 2025, on:

- specific steps to adopt and fund a public health-style and community-based framework for proactively responding to domestic violent extremism;
- specific steps to improve, standardize, and add transparency to data collection and reporting on incidents of domestic violent extremism; and
- legal options available under existing law, and potential new legislation and regulations to address domestic violent extremism.

The Commission must hold at least four meetings, with its first meeting to occur before December 31, 2023. The Commission dissolves on September 1, 2025.

Staffing for the Commission is provided by the AGO. Reimbursement is allowed for legislative and non-legislative members in accordance with the law.

Substitute Bill Compared to Original Bill:

The substitute bill removes the representative from the American Civil Liberties Union and the representative from the Anti-Defamation League as members of the Domestic Violent Extremism Commission, reducing the membership from 15 to 13 members. The Attorney General is specified as the appointing authority for the following members of the Commission: the public health representative and the six representatives from groups protected under the criminal hate crime statute.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) Washington has the fifth highest number of white supremacist propaganda dissemination in the nation, with 228 incidents occurring in 2021. Violent extremism has impacted temple communities in Washington since 1992 when the FBI exposed a white supremacist group's plan to firebomb a synagogue in Spokane. Recently, the same synagogue has been the target of neo-Nazi groups who have vandalized the building and Holocaust memorials with swastikas and have stood outside the synagogue doors with the Nazi salute.

The January 6 attacks on Congress and Governor's Mansion in Olympia shows the danger of violent extremism in the United States. Recently, militia and antigovernment groups targeted Washington's power grid after being influenced by a call to action online. Violent extremism is a societal problem that is in our community; it has always been present but is currently showing up in an abnormally higher level. Violent extremism is seen in actions based in hate crime, white supremacist beliefs, and efforts to disrupt the work of government through attacks on critical infrastructure. Threats from violent extremist groups have been hard to combat through the courts and law enforcement because law enforcement cannot take action unless a crime was committed. It is dangerous to wait until a serious crime takes place.

A two-year Commission assembled to build a long-term systemic societal response to understand and control violent extremism is important to avoid the aftermath of violence and will help make Washington's communities safer. The bill does not implement any policy other than establishing a group to study the issue of violent extremism and offer a roadmap for community-led government solutions which will target extremist movements rather than just the perpetrator. The coordinated approach will provide a streamlined way to share information to prevent, deter, and confront violent extremism.

Violence is a determinant of health. Data shows how violence has profoundly negative impacts on children and the community, leading to diminished academic performance, reduced business investments and commercial activities in the community, higher health system costs, reduced use of public space, increased demand on public safety resources, and reduced community cohesion.

Community-based solutions have worked to combat extremism. For example, former right-wing extremists have been key in preventing others from falling into domestic extremism movements. In addition, the collection of real-time data by organizations have helped to monitor trends and hot spots for intervention and federally funded programs have developed tools on public forums for residents to deliver messages to extremists in an attempt to de-escalate incidents. The Commission can be the resource needed to pull these community-based resources together to combat violent extremism.

People who have the knowledge and expertise in the public health system and its functionality, and people who have experience with abortion-related violent extremism should also be invited to participate on the Commission.

(Opposed) Public safety requires free speech and healthy dissent, but this bill endorses state interventions that even the Attorney General's 2022 study acknowledges as potential violations of the First Amendment right of free speech and association. In October 2021 a group of parents speaking out at a school board meeting on behalf of their children and advocating for the safety of their children were labeled as domestic terrorists. This bill compares neo-Nazism with someone who considers themselves a Patriot and will make people afraid to speak their opinions for fear of being labeled or penalized as a domestic

violent extremist. People will even be afraid to defend their safety and privacy in public accommodations for fear of being accused of being a domestic extremist. Absolute freedom of conscience must be guaranteed to every individual. Speaking words is not violent extremism and that term should only be used to describe those who are harming innocent people or property.

Proponents claim that the purpose of the bill is to combat disinformation and misinformation, yet those in government have been the biggest purveyors of disinformation. Groups that share information which can be verified with data have been targeted by government officials, like the Attorney General, and called out as providing disinformation. The decision of what is misinformation and disinformation is defined by the few people in power.

This bill is extremely one-sided in its purpose because it requires guidance from the Attorney General's study, which mentions white supremacy but not left-wing groups like Antifa. The Commission created in the bill is also non-inclusive as it does not specifically call out participation from white people, women, or Christians. There is no definition in the bill for who is considered a domestic terrorist and what it means to combat radicalization. This is just an attempt to stifle and incriminate actions of those who firmly disagree with the current state of affairs.

Legalizing Orwellian actions like data collection on individuals, establishing "snitch lines," and sending people to reeducation camps for alleged misinformation or disinformation as determined by those holding the majority power is not justified. The weaponization of public health against the right to free speech is deeply concerning and threatens the patient-provider relationship and endangers human lives.

The claimed purpose of this bill is to increase safety, but instead it targets another group of individuals on the basis of ethnicity and gender, making white, cisgender, heterosexual, Christian males feel unsafe and targeted. Using the state's police powers to intimidate based on their ethnicity is wrong, but this is exactly what the bill is doing. This bill is an overreach of government.

(Other) Mosques and Sikh temples all over Washington and the nation have also been threatened by far-right extremists. Each community experiences the threat of extremism in different ways, and broader representation on the Commission is needed, specifically from the Muslim community.

Persons Testifying: (In support) Representative Bill Ramos, prime sponsor; Peggy Shepard; Fredrick Echols, Cure Violence Global; Alex Aronson; Helene Paroff; Randall Blazak; Alicia Busch, Infoblox; Miri Cypers; Luis Moscoso; Jennifer Bereskin; Megan Dunn, Snohomish County Council; and Imraan Siddiqi, CAIR Washington.

(Opposed) Sarah Garriott; Doug Basler; Tamborine Borrelli; Julie Jaman; Vince Navarre;

Lara Gabriel; Dawn Land; and James Keefe.

(Other) Imraan Siddiqi, CAIR Washington.

Persons Signed In To Testify But Not Testifying: Laurie Layne; Janet Large; Aaron Lang; Sue Coffman; Robert Runnells, Informed Choice Washington; Rebecca Faust; Laura Dentone; Kim Cutuli; Corbin Walters; Dan Smallwood; Gary Wilson; Olemara Peters and Julie Barrett, Conservative Ladies of Washington.