

SENATE BILL REPORT

ESHB 1884

AS REPORTED BY COMMITTEE ON WAYS & MEANS, APRIL 8, 1991

Brief Description: Providing for domestic violence programs and community response.

SPONSORS: House Committee on Judiciary (originally sponsored by Representatives Ebersole, Forner, Belcher, Locke, Spanel, Peery, Phillips, H. Myers, Riley, R. Johnson, Paris, Wineberry, Ogden, Ludwig, Edmondson, Zellinsky, Brough, Jacobsen, Nelson, Miller, Holland, Winsley, Roland, Hine, Brekke, Rasmussen, Fraser, Mitchell and Orr).

HOUSE COMMITTEE ON JUDICIARY

HOUSE COMMITTEE ON APPROPRIATIONS

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass as amended and be referred to Committee on Ways & Means.

Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Erwin, Hayner, and Madsen.

Staff: Susan Carlson (786-7418)

Hearing Dates: March 28, 1991; April 4, 1991

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: Do pass as amended by Committee on Law & Justice.

Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bailey, Bauer, Bluechel, Cantu, Gaspard, Hayner, Johnson, L. Kreidler, Matson, Metcalf, Murray, Niemi, Owen, Rinehart, Saling, L. Smith, Talmadge, West, Williams, and Wojahn.

Staff: Terry Wilson (786-7715)

Hearing Dates: April 8, 1991

BACKGROUND:

The Human Services Roundtable is a voluntary organization of the elected and appointed officials of King County, the City of Seattle, 11 suburban cities, and United Way. The organization was formed to address human service needs of the region's citizens, including family violence. The Roundtable has worked with professionals from all disciplines involved with domestic violence to develop recommendations for an effective, coordinated, regional response to family violence.

These recommendations include several statutory changes necessary to implement the proposed system.

Currently, crime victims compensation does not cover counseling for the victim or members of the victim's family. Also, no program exists to assist victims in relocating to a safe residence.

Violation of a protective order issued in a domestic violence case is a misdemeanor. The Roundtable recommends that there be stricter enforcement of these orders and more severe penalties for violation.

SUMMARY:

Legislative Findings: The Legislature makes a number of findings about the severity of the problem of domestic violence, and the need to assure a wide range of services, establish standards for treatment programs, and conduct further research. The Legislature also finds that substance abuse may be a contributing factor to domestic violence.

Victims Compensation: The restriction on receiving crime victims compensation funds when the victim consented, provoked, or incited the act is amended to require that this determination be based on a reasonable review of the police reports. In domestic violence cases, the assessment must take into consideration who was the primary physical aggressor.

Victims of domestic violence are entitled to receive counseling under crime victims compensation. Family members who were living in the home and were affected by the domestic violence, even if they did not witness the violence, may also receive counseling services. Victims may be provided a one-time assistance award to aid in emergency relocation. Benefits for victims and their family members must be based on the entire abusive relationship.

Domestic Violence Crimes: Reckless endangerment in the first degree is added to the list of crimes included in "domestic violence."

Protective Orders: Any assault that is a violation of a no-contact order issued in a criminal case is a class C felony, unless the assault itself constitutes first or second degree assault which are class A and B felonies respectively. Any conduct in violation of the no-contact order that is reckless and creates a substantial risk of death or serious physical injury to another person is a class C felony. These penalties also apply to protective orders issued under the Domestic Violence Protection Act.

Treatment Programs For Batterers: The Department of Social and Health Services must adopt rules for standards of approval of domestic violence programs that treat batterers. The programs must: (1) provide treatment based upon a complete clinical intake; (2) assess the safety of the victim; (3) require the batterer to sign release of information forms; (4)

provide at least weekly group treatment unless reasons for other treatment can be documented; (5) focus on holding the batterer accountable; (6) deal with reoffenses and noncompliance; and (7) have qualified personnel.

Juveniles: The Domestic Violence Protection Act definition of "family or household members" is amended to explicitly provide that it includes juveniles as well as adults.

Shelters For Victims: The definition section in the Domestic Violence Shelters Act is repealed. The replacement section adds definitions for community and legal advocates, and updates the definitions of "domestic violence" and "family or household member" by cross-referencing other statutes on domestic violence. Client records maintained by domestic violence programs are confidential and may only be released on court order.

Technical Assistance Grants: The Department of Social and Health Services must establish a technical assistance grant program to assist local communities in determining how to respond to domestic violence. A county or group of counties may apply for these grants to develop a comprehensive plan for dealing with domestic violence.

Optional Sales Tax Revenues: The use of the local optional sales tax that was enacted during the 1990 session for criminal justice purposes is amended to allow moneys from the tax to be expended on domestic violence community advocates. Advocates are employed by local domestic violence programs to provide ongoing assistance to victims of domestic violence.

Legislative Study: Standing committees in the House and Senate must study the various domestic violence issues and submit a report to the Legislature by December 1991.

Certification of Counselors: The Department of Health must conduct a study to determine whether counselors who treat domestic violence perpetrators should be certified. The department must report its findings and recommendations by September 1, 1992.

Null and Void Clauses: The sections expanding crime victims compensation, requiring DSHS to adopt standards for domestic violence perpetrator programs, and establishing a technical assistance grant program are null and void if not specifically funded in the operating budget.

Appropriation: none

Revenue: none

Fiscal Note: available

Effective Date: Section 15 on the Department of Health study takes effect immediately.

SUMMARY OF PROPOSED SENATE AMENDMENT:

The legislative findings were revised by striking the reference to women's injuries from abuse. The provisions expanding crime victims benefits to include counseling for family members and emergency relocation assistance were stricken. Counseling for the victim is based on the entire history of violence in the particular relationship for which benefits are claimed.

"Family or household members" only includes juveniles if they are spouses, former spouses, or persons who have a child in common.

Domestic violence perpetrator programs are not required to have policies that assess the safety of victims.

Definitions in the RCW chapter on shelters for domestic violence victims are not repealed. Definitions of community advocate, domestic violence program, and legal advocate are added to the current definitions.

Client records of domestic violence programs may not be the subject of discovery in any judicial proceeding except by court order. Records of domestic violence programs and rape crisis centers are specifically exempt from public disclosure.

The section allowing the use of criminal justice funds for domestic violence community advocates is stricken as is the section requiring a legislative study.

TESTIMONY FOR (Law & Justice):

The bill is a first step in implementing a comprehensive, statewide approach to ending domestic violence.

TESTIMONY AGAINST (Law & Justice):

The problem of domestic violence is not as severe as depicted by the statistics and the legislation is unnecessary.

TESTIFIED (Law & Justice): PRO: Mike Ryherd, Judy Clibborn, Sheila Hargesheimer, Human Services Roundtable; Adrienne Ross, Human Services Roundtable; Gary Schaub, Seattle Municipal Probation; Karen DuFoe-Deschamps, King County Coalition Against Domestic Violence; Gary Benton, Domestic Violence Intervention Committee; Marsha Thrall, Eastside Domestic Violence; Mary Pantarola, Washington State Coalition Against Domestic Violence; Donnamarie Palermo, citizen; CON: Kevin Price, DADS

TESTIMONY FOR (Ways & Means):

This is a comprehensive plan to deal with domestic violence. It is the result of a group effort. It is the number one goal of the Human Services Roundtable.

TESTIMONY AGAINST (Ways & Means):

Domestic violence offenders are filling the jails which already are experiencing a shortage of space. No contact orders are often used in divorce and custody cases and are issued with no basis.

TESTIFIED (Ways & Means): Adrienne Ross, Judy Clibborn, Human Resources Roundtable (pro); Sandy Schram, Eastside Domestic Violence Program (pro); Kevin Price, DADS (con)