
ENGROSSED SUBSTITUTE HOUSE BILL 1884
CORRECTED COPY

State of Washington

52nd Legislature

1991 Regular Session

By 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).

Read first time March 6, 1991.

1 AN ACT Relating to domestic violence; amending RCW 7.68.070,
2 10.99.020, 10.99.040, 10.99.050, 26.50.110, 26.50.010, and 82.14.340;
3 adding new sections to chapter 70.123 RCW; creating new sections;
4 repealing RCW 70.123.020; prescribing penalties; and declaring an
5 emergency.

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

7 NEW SECTION. **Sec. 1.** The legislature finds that:

8 The collective costs to the community for domestic violence include
9 the systematic destruction of individuals and their families, lost
10 lives, lost productivity, and increased health care, criminal justice,
11 and social service costs.

12 Despite publicity that focuses on attacks by strangers, the most
13 common cause of women's injuries is abuse at home, occurring more often
14 than auto accidents, muggings, and rapes combined.

1 Children growing up in violent homes are deeply affected by the
2 violence as it happens and could be the next generation of batterers
3 and victims.

4 Many communities have made headway in addressing the effects of
5 domestic violence and have devoted energy and resources to stopping
6 this violence. However, the process for breaking the cycle of abuse is
7 lengthy. No single system intervention is enough in itself.

8 An integrated system has not been adequately funded and structured
9 to assure access to a wide range of services, including those of the
10 law/safety/justice system, human service system, and health care
11 system. These services need to be coordinated and multidisciplinary in
12 approach and address the needs of victims, batterers, and children from
13 violent homes.

14 Given the lethal nature of domestic violence and its effect on all
15 within its range, the community has a vested interest in the methods
16 used to stop and prevent future violence. Clear standards of quality
17 are needed so that perpetrator treatment programs receiving public
18 funds or court-ordered referrals can be required to comply with these
19 standards.

20 While incidents of domestic violence are not caused by
21 perpetrator's use of alcohol and illegal substances, substance abuse
22 may be a contributing factor to domestic violence and the injuries and
23 deaths that result from it.

24 There is a need for consistent training of professionals who deal
25 frequently with domestic violence or are in a position to identify
26 domestic violence and provide support and information.

27 Much has been learned about effective interventions in domestic
28 violence situations; however, much is not yet known and further study
29 is required to know how to best stop this violence.

1 **Sec. 2.** RCW 7.68.070 and 1990 c 3 s 502 are each amended to read
2 as follows:

3 The right to benefits under this chapter and the amount thereof
4 will be governed insofar as is applicable by the provisions contained
5 in chapter 51.32 RCW as now or hereafter amended except as provided in
6 this section:

7 (1) The provisions contained in RCW 51.32.015, 51.32.030,
8 51.32.072, 51.32.073, 51.32.180, 51.32.190, and 51.32.200 as now or
9 hereafter amended are not applicable to this chapter.

10 (2) Each victim injured as a result of a criminal act, including
11 criminal acts committed between July 1, 1981, and January 1, 1983, or
12 the victim's family or dependents in case of death of the victim, are
13 entitled to benefits in accordance with this chapter, subject to the
14 limitations under RCW 7.68.015. The rights, duties, responsibilities,
15 limitations, and procedures applicable to a worker as contained in RCW
16 51.32.010 as now or hereafter amended are applicable to this chapter.

17 (3) The limitations contained in RCW 51.32.020 as now or hereafter
18 amended are applicable to claims under this chapter. In addition
19 thereto, no person or spouse, child, or dependent of such person is
20 entitled to benefits under this chapter when the injury for which
21 benefits are sought, was:

22 (a) The result of consent, provocation, or incitement by the
23 victim, as determined by a reasonable review of the police report and,
24 in cases of domestic violence, an assessment that takes into
25 consideration the primary physical aggressor criteria set forth in RCW
26 10.31.100(2)(b);

27 (b) Sustained while the crime victim was engaged in the attempt to
28 commit, or the commission of, a felony; or

29 (c) Sustained while the victim was confined in any county or city
30 jail, federal jail or prison or in any other federal institution, or

1 any state correctional institution maintained and operated by the
2 department of social and health services or the department of
3 corrections, prior to release from lawful custody; or confined or
4 living in any other institution maintained and operated by the
5 department of social and health services or the department of
6 corrections.

7 (4) The benefits established upon the death of a worker and
8 contained in RCW 51.32.050 as now or hereafter amended shall be the
9 benefits obtainable under this chapter and provisions relating to
10 payment contained in that section shall equally apply under this
11 chapter: PROVIDED, That benefits for burial expenses shall not exceed
12 the maximum cost used by the department of social and health services
13 for the funeral and burial of a deceased indigent person under chapter
14 74.08 RCW in any claim: PROVIDED FURTHER, That if the criminal act
15 results in the death of a victim who was not gainfully employed at the
16 time of the criminal act, and who was not so employed for at least
17 three consecutive months of the twelve months immediately preceding the
18 criminal act;

19 (a) Benefits payable to an eligible surviving spouse, where there
20 are no children of the victim at the time of the criminal act who have
21 survived the victim or where such spouse has legal custody of all of
22 his or her children, shall be limited to burial expenses and a lump sum
23 payment of seven thousand five hundred dollars without reference to
24 number of children, if any;

25 (b) Where any such spouse has legal custody of one or more but not
26 all of such children, then such burial expenses shall be paid, and such
27 spouse shall receive a lump sum payment of three thousand seven hundred
28 fifty dollars and any such child or children not in the legal custody
29 of such spouse shall receive a lump sum of three thousand seven hundred
30 fifty dollars to be divided equally among such child or children;

1 (c) If any such spouse does not have legal custody of any of the
2 children, the burial expenses shall be paid and the spouse shall
3 receive a lump sum payment of up to three thousand seven hundred fifty
4 dollars and any such child or children not in the legal custody of the
5 spouse shall receive a lump sum payment of up to three thousand seven
6 hundred fifty dollars to be divided equally among the child or
7 children;

8 (d) If no such spouse survives, then such burial expenses shall be
9 paid, and each surviving child of the victim at the time of the
10 criminal act shall receive a lump sum payment of three thousand seven
11 hundred fifty dollars up to a total of two such children and where
12 there are more than two such children the sum of seven thousand five
13 hundred dollars shall be divided equally among such children.

14 No other benefits may be paid or payable under these circumstances.

15 (5) The benefits established in RCW 51.32.060 as now or hereafter
16 amended for permanent total disability proximately caused by the
17 criminal act shall be the benefits obtainable under this chapter, and
18 provisions relating to payment contained in that section apply under
19 this chapter: PROVIDED, That if a victim becomes permanently and
20 totally disabled as a proximate result of the criminal act and was not
21 gainfully employed at the time of the criminal act, the victim shall
22 receive monthly during the period of the disability the following
23 percentages, where applicable, of the average monthly wage determined
24 as of the date of the criminal act pursuant to RCW 51.08.018 as now or
25 hereafter amended:

26 (a) If married at the time of the criminal act, twenty-nine percent
27 of the average monthly wage.

28 (b) If married with one child at the time of the criminal act,
29 thirty-four percent of the average monthly wage.

1 (c) If married with two children at the time of the criminal act,
2 thirty-eight percent of the average monthly wage.

3 (d) If married with three children at the time of the criminal act,
4 forty-one percent of the average monthly wage.

5 (e) If married with four children at the time of the criminal act,
6 forty-four percent of the average monthly wage.

7 (f) If married with five or more children at the time of the
8 criminal act, forty-seven percent of the average monthly wage.

9 (g) If unmarried at the time of the criminal act, twenty-five
10 percent of the average monthly wage.

11 (h) If unmarried with one child at the time of the criminal act,
12 thirty percent of the average monthly wage.

13 (i) If unmarried with two children at the time of the criminal act,
14 thirty-four percent of the average monthly wage.

15 (j) If unmarried with three children at the time of the criminal
16 act, thirty-seven percent of the average monthly wage.

17 (k) If unmarried with four children at the time of the criminal
18 act, forty percent of the average monthly wage.

19 (l) If unmarried with five or more children at the time of the
20 criminal act, forty-three percent of the average monthly wage.

21 (6) The benefits established in RCW 51.32.080 as now or hereafter
22 amended for permanent partial disability shall be the benefits
23 obtainable under this chapter, and provisions relating to payment
24 contained in that section equally apply under this chapter.

25 (7) The benefits established in RCW 51.32.090 as now or hereafter
26 amended for temporary total disability shall be the benefits obtainable
27 under this chapter, and provisions relating to payment contained in
28 that section apply under this chapter: PROVIDED, That no person is
29 eligible for temporary total disability benefits under this chapter if
30 such person was not gainfully employed at the time of the criminal act,

1 and was not so employed for at least three consecutive months of the
2 twelve months immediately preceding the criminal act.

3 (8) The benefits established in RCW 51.32.095 as now or hereafter
4 amended for continuation of benefits during vocational rehabilitation
5 shall be benefits obtainable under this chapter, and provisions
6 relating to payment contained in that section apply under this chapter:
7 PROVIDED, That benefits shall not exceed five thousand dollars for any
8 single injury.

9 (9) The provisions for lump sum payment of benefits upon death or
10 permanent total disability as contained in RCW 51.32.130 as now or
11 hereafter amended apply under this chapter.

12 (10) The provisions relating to payment of benefits to, for or on
13 behalf of workers contained in RCW 51.32.040, 51.32.055, 51.32.100,
14 51.32.110, 51.32.120, 51.32.135, 51.32.140, 51.32.150, 51.32.160, and
15 51.32.210 as now or hereafter amended are applicable to payment of
16 benefits to, for or on behalf of victims under this chapter.

17 (11) No person or spouse, child, or dependent of such person is
18 entitled to benefits under this chapter where the person making a claim
19 for such benefits has refused to give reasonable cooperation to state
20 or local law enforcement agencies in their efforts to apprehend and
21 convict the perpetrator(s) of the criminal act which gave rise to the
22 claim.

23 (12) In addition to other benefits provided under this chapter,
24 victims of sexual assault are entitled to receive appropriate
25 counseling. Fees for such counseling shall be determined by the
26 department in accordance with RCW 51.04.030, subject to the limitations
27 of RCW 7.68.080. Counseling services may include, if determined
28 appropriate by the department, counseling of members of the victim's
29 immediate family, other than the perpetrator of the assault.

1 (13) Except for medical benefits authorized under RCW 7.68.080, no
2 more than thirty thousand dollars shall be granted as a result of a
3 single injury or death, except that benefits granted as the result of
4 total permanent disability or death shall not exceed forty thousand
5 dollars.

6 (14) Notwithstanding other provisions of this chapter and Title 51
7 RCW, benefits payable for total temporary disability under subsection
8 (7) of this section, shall be limited to fifteen thousand dollars.

9 (15) Any person who is responsible for the victim's injuries, or
10 who would otherwise be unjustly enriched as a result of the victim's
11 injuries, shall not be a beneficiary under this chapter.

12 (16) Crime victims' compensation is not available to pay for
13 services covered under chapter 74.09 RCW or Title XIX of the federal
14 social security act, except to the extent that the costs for such
15 services exceed service limits established by the department of social
16 and health services.

17 (17) In addition to other benefits provided under this chapter,
18 victims of domestic violence as defined in RCW 10.99.020 are entitled
19 to receive appropriate counseling. Fees for counseling shall be
20 determined by the department in accordance with RCW 51.04.030, subject
21 to the limitations of RCW 7.68.080. Counseling services may be
22 provided for members of the victim's family who were living in the home
23 and affected by the domestic violence, even if the family member did
24 not witness the domestic violence. Victims of domestic violence may be
25 provided a one-time assistance award to aid in emergency relocation.
26 Procedures for applying for a relocation award shall be determined by
27 the department. Benefits for victims of domestic violence and family
28 members of victims of domestic violence shall be based on the entire
29 abusive relationship.

1 **Sec. 3.** RCW 10.99.020 and 1986 c 257 s 8 are each amended to read
2 as follows:

3 Unless the context clearly requires otherwise, the definitions in
4 this section apply throughout this chapter.

5 (1) "Family or household members" means spouses, former spouses,
6 (~~adult~~) persons related by blood or marriage, persons who are
7 presently residing together or who have resided together in the past,
8 and persons who have a child in common regardless of whether they have
9 been married or have lived together at any time.

10 (2) "Domestic violence" includes but is not limited to any of the
11 following crimes when committed by one family or household member
12 against another:

13 (a) Assault in the first degree (RCW 9A.36.011);

14 (b) Assault in the second degree (RCW 9A.36.021);

15 (c) Assault in the third degree (RCW 9A.36.031);

16 (d) Assault in the fourth degree (RCW 9A.36.041);

17 (e) Reckless endangerment in the first degree (RCW 9A.36.045);

18 (~~f~~) Reckless endangerment (~~{in the second degree}~~) in the second
19 degree (RCW 9A.36.050);

20 (~~f~~) (g) Coercion (RCW 9A.36.070);

21 (~~g~~) (h) Burglary in the first degree (RCW 9A.52.020);

22 (~~h~~) (i) Burglary in the second degree (RCW 9A.52.030);

23 (~~i~~) (j) Criminal trespass in the first degree (RCW 9A.52.070);

24 (~~j~~) (k) Criminal trespass in the second degree (RCW 9A.52.080);

25 (~~k~~) (l) Malicious mischief in the first degree (RCW 9A.48.070);

26 (~~l~~) (m) Malicious mischief in the second degree (RCW
27 9A.48.080);

28 (~~m~~) (n) Malicious mischief in the third degree (RCW 9A.48.090);

29 (~~n~~) (o) Kidnapping in the first degree (RCW 9A.40.020);

30 (~~o~~) (p) Kidnapping in the second degree (RCW 9A.40.030);

1 (~~(p)~~) (q) Unlawful imprisonment (RCW 9A.40.040);

2 (~~(q)~~) (r) Violation of the provisions of a restraining order
3 restraining the person or excluding the person from a residence (RCW
4 26.09.300);

5 (~~(r)~~) (s) Violation of the provisions of a protection order
6 restraining the person or excluding the person from a residence (RCW
7 26.50.060, 26.50.070, or 26.50.130);

8 (~~(s)~~) (t) Rape in the first degree (RCW 9A.44.040); and

9 (~~(t)~~) (u) Rape in the second degree (RCW 9A.44.050).

10 (3) "Victim" means a family or household member who has been
11 subjected to domestic violence.

12 **Sec. 4.** RCW 10.99.040 and 1985 c 303 s 10 are each amended to read
13 as follows:

14 (1) Because of the serious nature of domestic violence, the court
15 in domestic violence actions:

16 (a) Shall not dismiss any charge or delay disposition because of
17 concurrent dissolution or other civil proceedings;

18 (b) Shall not require proof that either party is seeking a
19 dissolution of marriage prior to instigation of criminal proceedings;

20 (c) Shall waive any requirement that the victim's location be
21 disclosed to any person, other than the attorney of a criminal
22 defendant, upon a showing that there is a possibility of further
23 violence: PROVIDED, That the court may order a criminal defense
24 attorney not to disclose to his client the victim's location; and

25 (d) Shall identify by any reasonable means on docket sheets those
26 criminal actions arising from acts of domestic violence.

27 (2) Because of the likelihood of repeated violence directed at
28 those who have been victims of domestic violence in the past, when any
29 person charged with or arrested for a crime involving domestic violence

1 is released from custody before arraignment or trial on bail or
2 personal recognizance, the court authorizing the release may prohibit
3 that person from having any contact with the victim. The jurisdiction
4 authorizing the release shall determine whether that person should be
5 prohibited from having any contact with the victim. If there is no
6 outstanding restraining or protective order prohibiting that person
7 from having contact with the victim, the court authorizing release may
8 issue, by telephone, a no-contact order prohibiting the person charged
9 or arrested from having contact with the victim. The no-contact order
10 shall also be issued in writing as soon as possible. If the court has
11 probable cause to believe that the person charged or arrested is likely
12 to use or display or threaten to use a deadly weapon as defined in RCW
13 9A.04.110 in any further acts of violence, the court may also require
14 that person to surrender any deadly weapon in that person's immediate
15 possession or control, or subject to that person's immediate possession
16 or control, to the sheriff of the county or chief of police of the
17 municipality in which that person resides or to the defendant's counsel
18 for safekeeping.

19 (3) At the time of arraignment the court shall determine whether a
20 no-contact order shall be issued or extended.

21 (4) Willful violation of a court order issued under subsection (2)
22 or (3) of this section is a misdemeanor. Any assault that is a
23 violation of an order issued under this section and that does not
24 amount to assault in the first or second degree under RCW 9A.36.011 or
25 9A.36.021 is a class C felony, and any conduct in violation of a
26 protective order issued under this section that is reckless and creates
27 a substantial risk of death or serious physical injury to another
28 person is a class C felony. The written order releasing the person
29 charged or arrested shall contain the court's directives and shall bear
30 the legend: Violation of this order is a criminal offense under

1 chapter 10.99 RCW and will subject a violator to arrest; any assault or
2 reckless endangerment that is a violation of this order is a felony.
3 A certified copy of the order shall be provided to the victim. If a
4 no-contact order has been issued prior to charging, that order shall
5 expire at arraignment or within seventy-two hours if charges are not
6 filed. Such orders need not be entered into the computer information
7 system in this state which is used by law enforcement agencies to list
8 outstanding warrants.

9 (5) Whenever an order prohibiting contact is issued, modified, or
10 terminated under subsection (2) or (3) of this section, the clerk of
11 the court shall forward a copy of the order on or before the next
12 judicial day to the appropriate law enforcement agency specified in the
13 order. Upon receipt of the copy of the order the law enforcement
14 agency shall forthwith enter the order for one year or until the
15 expiration date specified on the order into any computer information
16 system available in this state used by law enforcement agencies to list
17 outstanding warrants. Entry into the law enforcement information
18 system constitutes notice to all law enforcement agencies of the
19 existence of the order. The order is fully enforceable in any
20 jurisdiction in the state.

21 **Sec. 5.** RCW 10.99.050 and 1985 c 303 s 12 are each amended to read
22 as follows:

23 (1) When a defendant is found guilty of a crime and a condition of
24 the sentence restricts the defendant's ability to have contact with the
25 victim, such condition shall be recorded and a written certified copy
26 of that order shall be provided to the victim.

27 (2) Willful violation of a court order issued under this section is
28 a misdemeanor. Any assault that is a violation of an order issued
29 under this section and that does not amount to assault in the first or

1 second degree under RCW 9A.36.011 or 9A.36.021 is a class C felony, and
2 any conduct in violation of a protective order issued under this
3 section that is reckless and creates a substantial risk of death or
4 serious physical injury to another person is a class C felony. The
5 written order shall contain the court's directives and shall bear the
6 legend: Violation of this order is a criminal offense under chapter
7 10.99 RCW and will subject a violator to arrest; any assault or
8 reckless endangerment that is a violation of this order is a felony.

9 (3) Whenever an order prohibiting contact is issued pursuant to
10 this section, the clerk of the court shall forward a copy of the order
11 on or before the next judicial day to the appropriate law enforcement
12 agency specified in the order. Upon receipt of the copy of the order
13 the law enforcement agency shall forthwith enter the order for one year
14 into any computer-based criminal intelligence information system
15 available in this state used by law enforcement agencies to list
16 outstanding warrants. Entry into the law enforcement information system
17 constitutes notice to all law enforcement agencies of the existence of
18 the order. The order is fully enforceable in any jurisdiction in the
19 state.

20 **Sec. 6.** RCW 26.50.110 and 1984 c 263 s 12 are each amended to read
21 as follows:

22 (1) Whenever an order for protection is granted under this chapter
23 and the respondent or person to be restrained knows of the order, a
24 violation of the restraint provisions or of a provision excluding the
25 person from a residence is a misdemeanor.

26 (2) A peace officer shall arrest without a warrant and take into
27 custody a person whom the peace officer has probable cause to believe
28 has violated an order issued under this chapter that restrains the

1 person or excludes the person from a residence, if the person
2 restrained knows of the order.

3 (3) A violation of an order for protection shall also constitute
4 contempt of court, and is subject to the penalties prescribed by law.

5 (4) Any assault that is a violation of an order issued under this
6 chapter and that does not amount to assault in the first or second
7 degree under RCW 9A.36.011 or 9A.36.021 is a class C felony, and any
8 conduct in violation of a protective order issued under this chapter
9 that is reckless and creates a substantial risk of death or serious
10 physical injury to another person is a class C felony.

11 (5) Upon the filing of an affidavit by the petitioner or any peace
12 officer alleging that the respondent has violated an order for
13 protection granted under this chapter, the court may issue an order to
14 the respondent, requiring the respondent to appear and show cause
15 within fourteen days why the respondent should not be found in contempt
16 of court and punished accordingly. The hearing may be held in the
17 court of any county or municipality in which the petitioner or
18 respondent temporarily or permanently resides at the time of the
19 alleged violation.

20 NEW SECTION. Sec. 7. The department of social and health
21 services shall adopt rules for standards of approval of domestic
22 violence perpetrator programs that accept perpetrators of domestic
23 violence into treatment to satisfy court orders or that represent the
24 programs as ones that treat domestic violence perpetrators. The
25 treatment must meet the following minimum qualifications:

26 (1) All treatment must be based upon a full, complete clinical
27 intake including: Current and past violence history; a lethality risk
28 assessment; a complete diagnostic evaluation; a substance abuse
29 assessment; criminal history; assessment of cultural issues, learning

1 disabilities, literacy, and special language needs; and a treatment
2 plan that adequately and appropriately addresses the treatment needs of
3 the individual.

4 (2) The program must have policies and procedures that assess the
5 safety of the victims of the perpetrator.

6 (3) To facilitate communication necessary for periodic safety
7 checks and case monitoring, the program must require the perpetrator to
8 sign the following releases:

9 (a) A release for the program to inform the victim and victim's
10 community and legal advocates that the perpetrator is in treatment with
11 the program, and to provide information, for safety purposes, to the
12 victim and victim's community and legal advocates;

13 (b) A release to prior and current treatment agencies to provide
14 information on the perpetrator to the program; and

15 (c) A release for the program to provide information on the
16 perpetrator to relevant legal entities including: Lawyers, courts,
17 parole, probation, child protective services, and child welfare
18 services.

19 (4) Treatment must be for a minimum treatment period defined by the
20 secretary of the department by rule. The weekly treatment sessions
21 must be in a group unless there is a documented, clinical reason for
22 another modality. Any other therapies, such as individual, marital, or
23 family therapy, substance abuse evaluations or therapy, medication
24 reviews, or psychiatric interviews, may be concomitant with the weekly
25 group treatment sessions described in this section but not a substitute
26 for it.

27 (5) The treatment must focus primarily on ending the violence,
28 holding the perpetrator accountable for his or her violence, and
29 changing his or her behavior. The treatment must be based on
30 nonvictim-blaming strategies and philosophies and shall include

1 education about the individual, family, and cultural dynamics of
2 domestic violence.

3 (6) Satisfactory completion of treatment must be contingent upon
4 the perpetrator meeting specific criteria, defined by rule by the
5 secretary of the department, and not just upon the end of a certain
6 period of time or a certain number of sessions.

7 (7) The program must have policies and procedures for dealing with
8 reoffenses and noncompliance.

9 (8) All evaluation and treatment services must be provided by, or
10 under the supervision of, qualified personnel.

11 (9) The secretary of the department may adopt rules and establish
12 fees as necessary to implement this section.

13 **Sec. 8.** RCW 26.50.010 and 1984 c 263 s 2 are each amended to read
14 as follows:

15 As used in this chapter, the following terms shall have the
16 meanings given them:

17 (1) "Domestic violence" means: (a) Physical harm, bodily injury,
18 assault, or the infliction of fear of imminent physical harm, bodily
19 injury or assault, between family or household members; or (b) sexual
20 assault of one family or household member by another.

21 (2) "Family or household members" means adults or juveniles who are
22 spouses, former spouses, ((adult)) persons related by blood or
23 marriage, persons who are presently residing together, or who have
24 resided together in the past, and persons who have a child in common
25 regardless of whether they have been married or have lived together at
26 any time.

27 (3) "Court" includes the superior, district, and municipal courts
28 of the state of Washington.

1 (4) "Judicial day" does not include Saturdays, Sundays, or legal
2 holidays.

3 NEW SECTION. **Sec. 9.** Unless the context clearly requires
4 otherwise, the definitions in this section apply throughout this
5 chapter.

6 (1) "Community advocate" means a person employed by a local
7 domestic violence program to provide ongoing assistance to victims of
8 domestic violence in assessing safety needs, documenting the incidents
9 and the extent of violence for possible use in the legal system, making
10 appropriate social service referrals, and developing protocols and
11 maintaining ongoing contacts necessary for local systems coordination.

12 (2) "Department" means the department of social and health
13 services.

14 (3) "Domestic violence" has the same meaning as in RCW 10.99.020
15 and 26.50.010.

16 (4) "Domestic violence program" means an agency that provides
17 shelter, advocacy, and counseling for domestic violence victims in a
18 supportive environment.

19 (5) "Family or household member" has the same meaning as in RCW
20 26.50.010.

21 (6) "Legal advocate" means a person employed by a domestic violence
22 program or court system to advocate for victims of domestic violence,
23 within the criminal and civil justice systems, by attending court
24 proceedings, assisting in document and case preparation, and ensuring
25 linkage with the community advocate.

26 (7) "Secretary" means the secretary of the department of social and
27 health services or the secretary's designee.

1 (8) "Shelter" means a temporary refuge, offered on a twenty-four
2 hour, seven day per week basis to victims of domestic violence and
3 their children.

4 (9) "Victim" means a victim of domestic violence.

5 NEW SECTION. **Sec. 10.** Client records maintained by domestic
6 violence programs shall not be made available unless:

7 (1) A written pretrial motion is made to a court stating that
8 discovery is requested of the client's domestic violence records;

9 (2) The written motion is accompanied by an affidavit or affidavits
10 setting forth specifically the reasons why discovery is requested of
11 the domestic violence program's records;

12 (3) The court reviews the domestic violence program's records in
13 camera to determine whether the domestic violence program's records are
14 relevant and whether the probative value of the records is outweighed
15 by the victim's privacy interest in the confidentiality of such
16 records, taking into account the further trauma that may be inflicted
17 upon the victim by the disclosure of the records; and

18 (4) The court enters an order stating whether the records or any
19 part of the records are discoverable and setting forth the basis for
20 the court's findings.

21 NEW SECTION. **Sec. 11.** The department of social and health
22 services shall establish a technical assistance grant program to assist
23 local communities in determining how to respond to domestic violence.
24 The goals of the program shall be to coordinate and expand existing
25 services to:

26 (1) Serve any individual affected by domestic violence with the
27 primary focus being the safety of the victim;

1 (2) Assure an integrated, comprehensive, accountable community
2 response that is adequately funded and sensitive to the diverse needs
3 of the community;

4 (3) Create a continuum of services that range from prevention,
5 crisis intervention, and counseling through shelter, advocacy, legal
6 intervention, and representation to longer term support, counseling,
7 and training; and

8 (4) Coordinate the efforts of government, the legal system, the
9 private sector, and a range of service providers, such as doctors,
10 nurses, social workers, teachers, and child care workers.

11 NEW SECTION. **Sec. 12.** (1) A county or group of counties may
12 apply to the department for a technical assistance grant to develop a
13 comprehensive county plan for dealing with domestic violence. The
14 county authority may contract with a local nonprofit entity to develop
15 the plan.

16 (2) County comprehensive plans shall be developed in consultation
17 with the department, domestic violence programs, schools, law
18 enforcement, and health care, legal, and social service providers that
19 provide services to persons affected by domestic violence.

20 (3) County comprehensive plans shall be based on the following
21 principles:

22 (a) The safety of the victim is primary;

23 (b) The community needs to be well-educated about domestic
24 violence;

25 (c) Those who want to and who should intervene need to know how to
26 do so effectively;

27 (d) Adequate services, both crisis and long-term support, should
28 exist throughout all parts of the county;

1 (e) Police and courts should hold the batterer accountable for his
2 crimes;

3 (f) Treatment for batterers should be provided by qualified
4 counselors; and

5 (g) Coordination teams are needed to ensure that the system
6 continues to work over the coming decades.

7 (4) County comprehensive plans shall provide for the following:

8 (a) Public education about domestic violence;

9 (b) Training for professionals on how to recognize domestic
10 violence and assist those affected by it;

11 (c) Development of protocols among agencies so that professionals
12 respond to domestic violence in an effective, consistent manner;

13 (d) Development of services to victims of domestic violence and
14 their families, including shelters, safe homes, transitional housing,
15 community and legal advocates, and children's services; and

16 (e) Local and regional teams to oversee implementation of the
17 system, ensure that efforts continue over the years, and assist with
18 day-to-day and system-wide coordination.

19 **Sec. 13.** RCW 82.14.340 and 1990 2nd ex.s. c 1 s 901 are each
20 amended to read as follows:

21 The legislative authority of any county with a population of two
22 hundred thousand or more, and any other county with a population of one
23 hundred fifty thousand or more that has had its population increase by
24 at least twenty-four percent during the preceding nine years, as
25 certified by the office of financial management for the first day of
26 April of each year, may and, if requested by resolution of the
27 governing bodies of cities in the county with an aggregate population
28 equal to or greater than fifty percent of the total population of the
29 county, as last determined by the office of financial management, shall

1 submit an authorizing proposition to the voters of the county and if
2 approved by a majority of persons voting, fix and impose a sales and
3 use tax in accordance with the terms of this chapter.

4 The tax authorized in this section shall be in addition to any
5 other taxes authorized by law and shall be collected from those persons
6 who are taxable by the state pursuant to chapters 82.08 and 82.12 RCW
7 upon the occurrence of any taxable event within such county. The rate
8 of tax shall equal one-tenth of one percent of the selling price (in
9 the case of a sales tax) or value of the article used (in the case of
10 a use tax).

11 When distributing moneys collected under this section, the state
12 treasurer shall distribute ten percent of the moneys to the county in
13 which the tax was collected. The remainder of the moneys collected
14 under this section shall be distributed to the county and the cities
15 within the county ratably based on population as last determined by the
16 office of financial management. In making the distribution based on
17 population, the county shall receive that proportion that the
18 unincorporated population of the county bears to the total population
19 of the county and each city shall receive that proportion that the city
20 incorporated population bears to the total county population.

21 Moneys received from any tax imposed under this section shall be
22 expended exclusively for criminal justice purposes, including domestic
23 violence community advocates as defined in section 9 of this act, and
24 shall not be used to replace or supplant existing funding.

25 This section expires January 1, 1994.

26 NEW SECTION. **Sec. 14.** The speaker of the house of
27 representatives and the president of the senate, shall direct the
28 appropriate standing committees of the legislature to undertake studies

1 of various domestic violence issues. A report shall be submitted to
2 the legislature by December 1991, that includes:

3 (1) Recommendations for solving judicial process problems that
4 diminish the effectiveness of legal remedies in domestic violence
5 cases;

6 (2) Recommendations on revising the client/therapist privilege for
7 communications between victims of domestic violence and licensed
8 counselors;

9 (3) Recommendations, developed in consultation with associated
10 professional organizations, on disseminating appropriate information
11 and material about identification of and response to domestic violence
12 for continuing education programs for doctors, nurses, attorneys,
13 psychologists, social workers, and emergency medical services
14 personnel;

15 (4) Recommendations, developed in consultation with persons
16 responsible for developing curriculum within institutions of higher
17 education, for curriculum changes in the areas of law, criminal
18 justice, health care, and social service to address identification of
19 and response to domestic violence;

20 (5) State and local governmental funding needs for operating
21 domestic violence programs;

22 (6) State and local governmental funding options for providing
23 assistance in the full operational funding of domestic violence
24 programs;

25 (7) State and local governmental options for funding the capital
26 needs of domestic violence programs, including provisions for shelter,
27 transitional housing, and safe home expansion;

28 (8) Recommendations for ensuring the right to health insurance
29 privacy for victims of domestic violence;

1 (9) Recommendations on the need for a statute that would prohibit
2 the issuance of protection orders against any person unless the person
3 seeking relief has filed a petition or counterclaim;

4 (10) The need and methods available for cultural education, K-12
5 curriculum, and other means to educate the public and its leaders on
6 the costs, problems, and threats to society in general caused by
7 domestic violence;

8 (11) Recommendations to make liability insurance available and
9 affordable for domestic violence programs;

10 (12) Recommendations on the appropriate period of time for the
11 effectiveness of temporary protection orders issued pursuant to chapter
12 26.50 RCW; and

13 (13) Recommendations on how to best use the civil protection order
14 process in instances where a minor is a victim or a perpetrator.

15 NEW SECTION. **Sec. 15.** The department of health shall conduct
16 a study to determine whether domestic violence perpetrator counselors
17 should be certified to examine and treat domestic violence
18 perpetrators. The department shall conduct the study according to the
19 criteria set forth in RCW 18.120.110. The department shall report to
20 the house of representatives judiciary committee and the senate law and
21 justice committee regarding its findings and recommendations by
22 September 1, 1992.

23 NEW SECTION. **Sec. 16.** RCW 70.123.020 and 1979 ex.s. c 245 s 2
24 are each repealed.

25 NEW SECTION. **Sec. 17.** Sections 9 through 12 of this act are
26 each added to chapter 70.123 RCW.

1 NEW SECTION. **Sec. 18.** Section 15 of this act is necessary for
2 the immediate preservation of the public peace, health, or safety, or
3 support of the state government and its existing public institutions,
4 and shall take effect immediately.

5 NEW SECTION. **Sec. 19.** If by June 30, 1991, the omnibus
6 operating budget appropriations act for the 1991-93 biennium does not
7 provide specific funding for sections 2, 7, 11, and 12 of this act,
8 referencing the sections by bill and section number, any such section
9 not referenced is null and void.