

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE HOUSE BILL 1884

52nd Legislature
1991 Regular Session

Passed by the House March 19, 1991
Yeas 97 Nays 0

**Speaker of the
House of Representatives**

Passed by the Senate April 19, 1991
Yeas 47 Nays 0

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Alan Thompson, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE HOUSE BILL 1884** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

Secretary of State
State of Washington

ENGROSSED SUBSTITUTE HOUSE BILL 1884

AS AMENDED BY THE SENATE

Passed Legislature - 1991 Regular Session

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, 70.123.020,
3 42.17.310, 26.44.140, and 82.14.340; adding a new section to chapter
4 26.50 RCW; adding new sections to chapter 70.123 RCW; creating new
5 sections; prescribing penalties; and declaring an 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 Children growing up in violent homes are deeply affected by the
13 violence as it happens and could be the next generation of batterers
14 and victims.

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

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

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

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

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

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

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

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

5 (1) The provisions contained in RCW 51.32.015, 51.32.030,
6 51.32.072, 51.32.073, 51.32.180, 51.32.190, and 51.32.200 as now or
7 hereafter amended are not applicable to this chapter.

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

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

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

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

27 (c) Sustained while the victim was confined in any county or city
28 jail, federal jail or prison or in any other federal institution, or
29 any state correctional institution maintained and operated by the
30 department of social and health services or the department of

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

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

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

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

29 (c) If any such spouse does not have legal custody of any of the
30 children, the burial expenses shall be paid and the spouse shall

1 receive a lump sum payment of up to three thousand seven hundred fifty
2 dollars and any such child or children not in the legal custody of the
3 spouse shall receive a lump sum payment of up to three thousand seven
4 hundred fifty dollars to be divided equally among the child or
5 children;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

28 (13) Except for medical benefits authorized under RCW 7.68.080, no
29 more than thirty thousand dollars shall be granted as a result of a
30 single injury or death, except that benefits granted as the result of

1 total permanent disability or death shall not exceed forty thousand
2 dollars.

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

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

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

14 (17) In addition to other benefits provided under this chapter,
15 victims of domestic violence as defined in RCW 10.99.020 are entitled
16 to receive appropriate counseling. Fees for counseling shall be
17 determined by the department in accordance with RCW 51.04.030, subject
18 to the limitations of RCW 7.68.080. Benefits for victims of domestic
19 violence shall be based on the entire history of domestic violence
20 experienced by the victim in the specific relationship for which
21 benefits are claimed.

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

24 Unless the context clearly requires otherwise, the definitions in
25 this section apply throughout this chapter.

26 (1) "Family or household members" means spouses, former spouses,
27 (~~adult persons related by blood or marriage, persons who are presently~~
28 ~~residing together or who have resided together in the past, and))
29 persons who have a child in common regardless of whether they have been~~

1 married or have lived together at any time, adult persons related by
2 blood or marriage, and adult persons who are presently residing
3 together or who have resided together in the past.

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

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

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

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

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

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

12 (~~f~~) Reckless endangerment (~~(in the second degree)~~) in the second
13 degree (RCW 9A.36.050);

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

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

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

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

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

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

20 (~~l~~) (~~m~~) Malicious mischief in the second degree (RCW
21 9A.48.080);

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

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

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

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

26 (~~q~~) (~~r~~) Violation of the provisions of a restraining order
27 restraining the person or excluding the person from a residence (RCW
28 26.09.300);

1 (~~(r)~~) (s) Violation of the provisions of a protection order
2 restraining the person or excluding the person from a residence (RCW
3 26.50.060, 26.50.070, or 26.50.130);

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

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

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

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

10 (1) Because of the serious nature of domestic violence, the court
11 in domestic violence actions:

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

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

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

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

23 (2) Because of the likelihood of repeated violence directed at
24 those who have been victims of domestic violence in the past, when any
25 person charged with or arrested for a crime involving domestic violence
26 is released from custody before arraignment or trial on bail or
27 personal recognizance, the court authorizing the release may prohibit
28 that person from having any contact with the victim. The jurisdiction
29 authorizing the release shall determine whether that person should be

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

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

17 (4) Willful violation of a court order issued under subsection (2)
18 or (3) of this section is a misdemeanor. Any assault that is a
19 violation of an order issued under this section and that does not
20 amount to assault in the first or second degree under RCW 9A.36.011 or
21 9A.36.021 is a class C felony, and any conduct in violation of a
22 protective order issued under this section that is reckless and creates
23 a substantial risk of death or serious physical injury to another
24 person is a class C felony. The written order releasing the person
25 charged or arrested shall contain the court's directives and shall bear
26 the legend: Violation of this order is a criminal offense under
27 chapter 10.99 RCW and will subject a violator to arrest; any assault or
28 reckless endangerment that is a violation of this order is a felony.
29 A certified copy of the order shall be provided to the victim. If a
30 no-contact order has been issued prior to charging, that order shall

1 expire at arraignment or within seventy-two hours if charges are not
2 filed. Such orders need not be entered into the computer information
3 system in this state which is used by law enforcement agencies to list
4 outstanding warrants.

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

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

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

23 (2) Willful violation of a court order issued under this section is
24 a misdemeanor. Any assault that is a violation of an order issued
25 under this section and that does not amount to assault in the first or
26 second degree under RCW 9A.36.011 or 9A.36.021 is a class C felony, and
27 any conduct in violation of a protective order issued under this
28 section that is reckless and creates a substantial risk of death or
29 serious physical injury to another person is a class C felony. The

1 written order shall contain the court's directives and shall bear the
2 legend: Violation of this order is a criminal offense under chapter
3 10.99 RCW and will subject a violator to arrest; any assault or
4 reckless endangerment that is a violation of this order is a felony.

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

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

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

22 (2) A peace officer shall arrest without a warrant and take into
23 custody a person whom the peace officer has probable cause to believe
24 has violated an order issued under this chapter that restrains the
25 person or excludes the person from a residence, if the person
26 restrained knows of the order.

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

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

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

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

22 (1) All treatment must be based upon a full, complete clinical
23 intake including: Current and past violence history; a lethality risk
24 assessment; a complete diagnostic evaluation; a substance abuse
25 assessment; criminal history; assessment of cultural issues, learning
26 disabilities, literacy, and special language needs; and a treatment
27 plan that adequately and appropriately addresses the treatment needs of
28 the individual.

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

4 (a) A release for the program to inform the victim and victim's
5 community and legal advocates that the perpetrator is in treatment with
6 the program, and to provide information, for safety purposes, to the
7 victim and victim's community and legal advocates;

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

10 (c) A release for the program to provide information on the
11 perpetrator to relevant legal entities including: Lawyers, courts,
12 parole, probation, child protective services, and child welfare
13 services.

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

22 (4) The treatment must focus primarily on ending the violence,
23 holding the perpetrator accountable for his or her violence, and
24 changing his or her behavior. The treatment must be based on
25 nonvictim-blaming strategies and philosophies and shall include
26 education about the individual, family, and cultural dynamics of
27 domestic violence.

28 (5) Satisfactory completion of treatment must be contingent upon
29 the perpetrator meeting specific criteria, defined by rule by the

1 secretary of the department, and not just upon the end of a certain
2 period of time or a certain number of sessions.

3 (6) The program must have policies and procedures for dealing with
4 reoffenses and noncompliance.

5 (7) All evaluation and treatment services must be provided by, or
6 under the supervision of, qualified personnel.

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

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

11 As used in this chapter, the following terms shall have the
12 meanings given them:

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

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

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

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

1 **Sec. 9.** RCW 70.123.020 and 1979 ex.s. c 245 s 2 are each amended
2 to read as follows:

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

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

8 (2) "Domestic violence" is a categorization of offenses, as defined
9 in RCW 10.99.020, committed by one cohabitant against another.

10 (3) "Department" means the department of social and health
11 services.

12 (4) "Victim" means a cohabitant who has been subjected to domestic
13 violence.

14 (5) "Cohabitant" means a person who is married or who is cohabiting
15 with a person of the opposite sex like husband and wife at the present
16 or at sometime in the past. Any person who has one or more children in
17 common with another person, regardless of whether they have been
18 married or lived together at any time, shall be treated as a
19 cohabitant.

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

26 (7) "Domestic violence program" means an agency that provides
27 shelter, advocacy, and counseling for domestic violence victims in a
28 supportive environment.

29 (8) "Legal advocate" means a person employed by a domestic violence
30 program or court system to advocate for victims of domestic violence,

1 within the criminal and civil justice systems, by attending court
2 proceedings, assisting in document and case preparation, and ensuring
3 linkage with the community advocate.

4 (9) "Secretary" means the secretary of the department of social and
5 health services or the secretary's designee.

6 NEW SECTION. Sec. 10. Client records maintained by domestic
7 violence programs shall not be subject to discovery in any judicial
8 proceeding unless:

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

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

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

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

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

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

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

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

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

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

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

22 (3) County comprehensive plans shall be based on the following
23 principles:

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

25 (b) The community needs to be well-educated about domestic
26 violence;

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

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

3 (e) Police and courts should hold the batterer accountable for his
4 or her crimes;

5 (f) Treatment for batterers should be provided by qualified
6 counselors; and

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

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

10 (a) Public education about domestic violence;

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

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

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

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

21 **Sec. 13.** RCW 42.17.310 and 1990 2nd ex.s. c 1 s 1103 are each
22 amended to read as follows:

23 (1) The following are exempt from public inspection and copying:

24 (a) Personal information in any files maintained for students in
25 public schools, patients or clients of public institutions or public
26 health agencies, or welfare recipients.

27 (b) Personal information in files maintained for employees,
28 appointees, or elected officials of any public agency to the extent
29 that disclosure would violate their right to privacy.

1 (c) Information required of any taxpayer in connection with the
2 assessment or collection of any tax if the disclosure of the
3 information to other persons would (i) be prohibited to such persons by
4 RCW 82.32.330 or (ii) violate the taxpayer's right to privacy or result
5 in unfair competitive disadvantage to the taxpayer.

6 (d) Specific intelligence information and specific investigative
7 records compiled by investigative, law enforcement, and penology
8 agencies, and state agencies vested with the responsibility to
9 discipline members of any profession, the nondisclosure of which is
10 essential to effective law enforcement or for the protection of any
11 person's right to privacy.

12 (e) Information revealing the identity of persons who file
13 complaints with investigative, law enforcement, or penology agencies,
14 other than the public disclosure commission, if disclosure would
15 endanger any person's life, physical safety, or property. If at the
16 time the complaint is filed the complainant indicates a desire for
17 disclosure or nondisclosure, such desire shall govern. However, all
18 complaints filed with the public disclosure commission about any
19 elected official or candidate for public office must be made in writing
20 and signed by the complainant under oath.

21 (f) Test questions, scoring keys, and other examination data used
22 to administer a license, employment, or academic examination.

23 (g) Except as provided by chapter 8.26 RCW, the contents of real
24 estate appraisals, made for or by any agency relative to the
25 acquisition or sale of property, until the project or prospective sale
26 is abandoned or until such time as all of the property has been
27 acquired or the property to which the sale appraisal relates is sold,
28 but in no event shall disclosure be denied for more than three years
29 after the appraisal.

1 (h) Valuable formulae, designs, drawings, and research data
2 obtained by any agency within five years of the request for disclosure
3 when disclosure would produce private gain and public loss.

4 (i) Preliminary drafts, notes, recommendations, and intra-agency
5 memorandums in which opinions are expressed or policies formulated or
6 recommended except that a specific record shall not be exempt when
7 publicly cited by an agency in connection with any agency action.

8 (j) Records which are relevant to a controversy to which an agency
9 is a party but which records would not be available to another party
10 under the rules of pretrial discovery for causes pending in the
11 superior courts.

12 (k) Records, maps, or other information identifying the location of
13 archaeological sites in order to avoid the looting or depredation of
14 such sites.

15 (l) Any library record, the primary purpose of which is to maintain
16 control of library materials, or to gain access to information, which
17 discloses or could be used to disclose the identity of a library user.

18 (m) Financial information supplied by or on behalf of a person,
19 firm, or corporation for the purpose of qualifying to submit a bid or
20 proposal for (a) a ferry system construction or repair contract as
21 required by RCW 47.60.680 through 47.60.750 or (b) highway construction
22 or improvement as required by RCW 47.28.070.

23 (n) Railroad company contracts filed with the utilities and
24 transportation commission under RCW 81.34.070, except that the
25 summaries of the contracts are open to public inspection and copying as
26 otherwise provided by this chapter.

27 (o) Financial and commercial information and records supplied by
28 private persons pertaining to export services provided pursuant to
29 chapter 43.163 RCW and chapter 53.31 RCW.

1 (p) Financial disclosures filed by private vocational schools under
2 chapter 28C.10 RCW.

3 (q) Records filed with the utilities and transportation commission
4 or attorney general under RCW 80.04.095 that a court has determined are
5 confidential under RCW 80.04.095.

6 (r) Financial and commercial information and records supplied by
7 businesses during application for loans or program services provided by
8 chapter 43.163 RCW and chapters 43.31, 43.63A, and 43.168 RCW.

9 (s) Membership lists or lists of members or owners of interests of
10 units in timeshare projects, subdivisions, camping resorts,
11 condominiums, land developments, or common-interest communities
12 affiliated with such projects, regulated by the department of
13 licensing, in the files or possession of the department.

14 (t) All applications for public employment, including the names of
15 applicants, resumes, and other related materials submitted with respect
16 to an applicant.

17 (u) The residential addresses and residential telephone numbers of
18 employees or volunteers of a public agency which are held by the agency
19 in personnel records, employment or volunteer rosters, or mailing lists
20 of employees or volunteers.

21 (v) The residential addresses and residential telephone numbers of
22 the customers of a public utility contained in the records or lists
23 held by the public utility of which they are customers.

24 (w) Information obtained by the board of pharmacy as provided in
25 RCW 69.45.090.

26 (x) Information obtained by the board of pharmacy and its
27 representatives as provided in RCW 69.41.044 and 69.41.280.

28 (y) Financial information, business plans, examination reports, and
29 any information produced or obtained in evaluating or examining a

1 business and industrial development corporation organized or seeking
2 certification under chapter 31.24 RCW.

3 (z) Financial and commercial information supplied to the state
4 investment board by any person when the information relates to the
5 investment of public trust or retirement funds and when disclosure
6 would result in loss to such funds or in private loss to the providers
7 of this information.

8 (aa) Financial and valuable trade information under RCW 51.36.120.

9 (bb) Effective March 1, 1991, the work and home addresses, other
10 than the city of residence, of a person shall remain undisclosed or be
11 omitted from all documents made available for public review if that
12 person requests in writing, under oath, that these addresses be kept
13 private because disclosure would endanger his or her life, physical
14 safety, or property. This provision does not in any way restrict the
15 sharing or collection of information by state and local governmental
16 agencies required for the daily administration of their duties. The
17 secretary of state shall administer this provision and establish the
18 procedures and rules that are necessary for its operation. An agency
19 that has not been furnished with a request for confidentiality of
20 address information is not liable for damages resulting from its
21 disclosure of the information. For purpose of service of process, the
22 secretary of state shall serve as agent for each person who submits a
23 request under this subsection. A request shall be of no force or
24 effect if the requester does not include a statement, along with or
25 part of the request, designating the secretary of state as agent of the
26 requester for purposes of service of process.

27 (cc) Client records maintained by an agency that is a domestic
28 violence program as defined in RCW 70.123.020 or a rape crisis center
29 as defined in RCW 70.125.030.

1 (2) Except for information described in subsection (1)(c)(i) of
2 this section and confidential income data exempted from public
3 inspection pursuant to RCW 84.40.020, the exemptions of this section
4 are inapplicable to the extent that information, the disclosure of
5 which would violate personal privacy or vital governmental interests,
6 can be deleted from the specific records sought. No exemption may be
7 construed to permit the nondisclosure of statistical information not
8 descriptive of any readily identifiable person or persons.

9 (3) Inspection or copying of any specific records exempt under the
10 provisions of this section may be permitted if the superior court in
11 the county in which the record is maintained finds, after a hearing
12 with notice thereof to every person in interest and the agency, that
13 the exemption of such records is clearly unnecessary to protect any
14 individual's right of privacy or any vital governmental function.

15 (4) Agency responses refusing, in whole or in part, inspection of
16 any public record shall include a statement of the specific exemption
17 authorizing the withholding of the record (or part) and a brief
18 explanation of how the exemption applies to the record withheld.

19 NEW SECTION. **Sec. 14.** The department of health shall conduct
20 a study to determine whether domestic violence perpetrator counselors
21 should be certified to examine and treat domestic violence
22 perpetrators. The department shall conduct the study according to the
23 criteria set forth in RCW 18.120.110. The department shall report to
24 the house of representatives judiciary committee and the senate law and
25 justice committee regarding its findings and recommendations by
26 September 1, 1992.

27 **Sec. 15.** RCW 26.44.140 and 1990 c 3 s 1301 are each amended to
28 read as follows:

1 The court shall require that an individual who, while acting in a
2 parental role, has physically or sexually abused a child and has been
3 removed from the home pursuant to a court order issued in a proceeding
4 under chapter 13.34 RCW, prior to being permitted to reside in the home
5 where the child resides, complete the treatment and education
6 requirements necessary to protect the child from future abuse. The
7 court may require the individual to continue treatment as a condition
8 for remaining in the home where the child resides.

9 The department of social and health services or supervising agency
10 shall be responsible for advising the court as to appropriate treatment
11 and education requirements, providing referrals to the individual,
12 monitoring and assessing the individual's progress, informing the court
13 of such progress, and providing recommendations to the court.

14 The person removed from the home shall pay for these services
15 (~~according to a schedule established by the department of social and~~
16 ~~health services. This schedule shall be based on the individual's~~
17 ~~ability to pay~~) unless the person is otherwise eligible to receive
18 financial assistance in paying for such services. Nothing in this
19 section shall be construed to create in any person an entitlement to
20 services or financial assistance in paying for services.

21 **Sec. 16.** RCW 82.14.340 and 1990 2nd ex.s. c 1 s 901 are each
22 amended to read as follows:

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

1 equal to or greater than fifty percent of the total population of the
2 county, as last determined by the office of financial management, shall
3 submit an authorizing proposition to the voters of the county and if
4 approved by a majority of persons voting, fix and impose a sales and
5 use tax in accordance with the terms of this chapter.

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

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

23 Moneys received from any tax imposed under this section shall be
24 expended exclusively for criminal justice purposes and shall not be
25 used to replace or supplant existing funding. Moneys received by the
26 county and the cities within the county from any tax imposed under this
27 section may be expended for domestic violence community advocates, as
28 defined in RCW 70.123.020, if, prior to the effective date of this
29 section and prior to approval of the voters, the legislative authority
30 of the county, which submitted an authorizing proposition to the voters

1 of the county, adopted by ordinance a financial plan that included
2 expenditure of a portion of the moneys received for domestic violence
3 community advocates.

4 This section expires January 1, 1994.

5 NEW SECTION. Sec. 17. Section 7 of this act is added to
6 chapter 26.50 RCW.

7 NEW SECTION. Sec. 18. Sections 10 through 12 of this act are
8 each added to chapter 70.123 RCW.

9 NEW SECTION. Sec. 19. Section 14 of this act is necessary for
10 the immediate preservation of the public peace, health, or safety, or
11 support of the state government and its existing public institutions,
12 and shall take effect immediately.

13 NEW SECTION. Sec. 20. If by June 30, 1991, the omnibus
14 operating budget appropriations act for the 1991-93 biennium does not
15 provide specific funding for sections 2, 7, 11, and 12 of this act,
16 referencing the sections by bill and section number, any such section
17 not referenced is null and void.