

SENATE BILL REPORT

E2SHB 2319

AS REPORTED BY COMMITTEE ON WAYS & MEANS, FEBRUARY 26, 1994

Brief Description: Enacting programs to reduce violence.

SPONSORS: House Committee on Appropriations (originally sponsored by Representatives Appelwick, Leonard, Johanson, Valle, Wang, Wineberry, Scott, Karahalios, Caver, Kessler, Basich, Wolfe, J. Kohl, Voloria, Quall, Holm, Jones, Shin, King, Patterson, Eide, Dellwo, L. Johnson, Springer, Pruitt, Ogden, H. Myers and Anderson; by request of Governor Lowry)

HOUSE COMMITTEE ON JUDICIARY

HOUSE COMMITTEE ON APPROPRIATIONS

SENATE COMMITTEE ON HEALTH & HUMAN SERVICES

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

Signed by Senators Talmadge, Chairman; Wojahn, Vice Chairman; Deccio, Franklin, Fraser, Hargrove, McAuliffe, Moyer, Niemi, Prentice, Quigley and Winsley.

Staff: Richard Rodger (786-7461)

Hearing Dates: February 25, 1994

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: Do pass as amended by Committee on Health & Human Services.

Signed by Senators Rinehart, Chairman; Quigley, Vice Chairman; Bauer, Gaspard, Hargrove, Niemi, Owen, Pelz, Snyder, Spanel, Sutherland, Talmadge, Williams and Wojahn.

Staff: Tim Yowell (786-7715)

Hearing Dates: February 25, 1994; February 26, 1994

BACKGROUND:

Violence committed by youth and directed toward youth is a serious problem affecting a large number of children and families. Causes of violence are complex and interrelated and cross economic and social boundaries. The incidence of child abuse, domestic violence, use of alcohol and drugs, poverty and the easy availability of firearms are all related in some manner to the level of violence in our communities.

SUMMARY:

PART I HUMAN SERVICES: PREVENTION AND EARLY INTERVENTION

Prevention of Child Abuse and Neglect. The Department of Health will coordinate and fund, with funds provided for this purpose, voluntary programs to help parents of newborn children. The type of activities to be funded include: screening prior to/or soon after the birth of a child; parenting education and skills development; parenting and family support information and referral; parent support groups; family visits; linking each family with a primary care provider; and service coordination. Organizations providing services will use professionals and paraprofessionals to conduct screenings and follow-up visits. If professionals and paraprofessional are unavailable, volunteers may be used if they meet minimum competency standards established by the Department of Health.

Community-Based Planning and Services for Children and Families. The Family Policy Council will coordinate a statewide system of planning and service delivery for children and their families. Community Family Councils will plan, coordinate, and ensure the delivery of services to children and their families at the local level. Community Family Councils will be able to apply for unrestricted state funds from a new children and family services fund for planning and technical assistance activities, and provide services to children and their families. They may also request the Family Policy Council to submit requests to the Legislature for its consideration, modification of statutory and categorical funding restrictions that apply to funds for services to children and their families.

Therapeutic Child Care. Therapeutic child care programs are authorized to provide transition services to children and their families who no longer receive therapeutic child care services at a therapeutic child care facility.

Before and After School Child Care. School districts or community-based organizations may operate before and after school child care programs for school-aged children. Programs will provide an alternative to unsupervised activities that put children at risk of lower academic achievement, emotional or social adjustment problems, substance abuse, gang activity, sexual activity and related problems.

Domestic Violence. Services provided through domestic violence shelters will, within available funds, be expanded to include services needed by children of domestic violence victims.

Suicide Prevention. The Department of Health will develop a plan for a statewide suicide prevention program, if funds are provided for this purpose.

PART II EDUCATION: TRAINING, SAFE SCHOOLS, AND PREVENTION AND INTERVENTION

Educator Training and Assistance. The Superintendent of Public Instruction (SPI) shall prepare, or contract to prepare, a guide of available programs and strategies pertaining to conflict resolution and other violence prevention topics.

SPI shall contract with school districts, educational service districts, and approved in-service providers to conduct training sessions in conflict resolution and other violence prevention topics for school certificated and classified employees.

The State Board of Education (SBE) shall require teacher preparation programs to provide instruction in, or have educational outcomes pertaining to, the teaching of conflict resolution and other violence prevention skills.

Safe Schools/Safe Communities Grant Program. The Department of Community Development is to administer a Safe Schools/Safe Communities grant program that provides resources for community and school-based violence prevention initiatives. The grants may be used for Safe School Teams, employment assistance and readiness, parent involvement, referral services, and a number of other activities. Grants shall be awarded for three years, with a second series of grants awarded in 1996.

Career Ladders for At-risk Youth. SPI shall award start-up grants to provide extended day school-to-work transition options for secondary students who are at risk of academic failure and who have dropped out or who are enrolled full time at a home high school. Vocational skills centers, nonprofit organizations, educational service districts, community and technical colleges, and school districts are eligible to receive grants.

The programs are to identify, recruit, and assess teens who have dropped out or who are at risk of academic failure; develop job-readiness and retention skills; equip students with vocational skills and abilities consistent with entry level employment in their chosen career field; prepare students to seek further education and training, if needed; assist students who have dropped out to obtain their high school diploma; and increase the availability of vocational programs during other than normal school hours.

Minor Work Rules. The Department of Labor and Industries is directed to accelerate its evaluation of the minor work rules that became effective in 1993. The department is to report to the Governor and the Legislature on its evaluation prior to the 1995 legislative session.

School Discipline and Safety. School district boards of directors may establish schools and programs with stringent dress and discipline codes and parental participation

standards. School boards may require students who would otherwise be suspended or expelled to attend these schools, and parents may choose to have their children attend. If students are required to wear uniforms, school districts must accommodate students so that the uniform requirement is not an unfair barrier to school participation.

A Task Force on Student Conduct is created. The task force is to identify laws, rules and practices that make it difficult for educators to manage their classrooms and schools effectively. Based on its findings, the task force shall make recommendations regarding actions that could be taken to reduce the problems generated by disruptive students and thereby make schools more conducive to learning. The findings and recommendations of the task force shall be available by November 1, 1994.

Changes are made in the transfer of student records when students transfer to a new school. The changes allow school districts to retain official transcripts if the student has not paid fines or damaged school property.

School conduct shall be made a part of juvenile court diversion agreements.

SPI and the Attorney General, in cooperation with the Washington Bar Association, are to develop a volunteer-based conflict resolution and mediation program.

The State Board for Community and Technical Colleges and the Superintendent of Public Instruction are to establish a statewide toll-free hotline to provide information to high school dropouts and potential dropouts. The information to be provided includes information on financial aid, adult education courses and basic skills programs available at community and technical colleges.

Drug, Alcohol, and Violence Prevention and Intervention Program. The existing Drug and Alcohol Prevention and Intervention Grant Program, which was created in 1989, is expanded to include violence prevention.

PART III COMMUNITY EMPOWERMENT

Washington YouthBuild Program. The Washington YouthBuild Program is created in the Employment Security Department. The state may provide supplemental grants to organizations to implement a comprehensive program that provides education, job training, support services, leadership, entrepreneurial skills development and employment skills to economically disadvantaged youth. Organizations eligible to receive assistance through the Washington YouthBuild program are limited to those eligible to provide education and employment training under federal or state employment training programs.

The Department of Employment Security, in cooperation with the Department of Community, Trade and Economic Development, may make grants, equal to the lesser of \$300,000 or 25 percent of

the total project costs, to organizations that provide: (1) education and job skills training services and activities to meet the needs of the participant; (2) counseling services and related activities; (3) supportive services and need-based stipends to participants; (4) activities designed to develop employment and leadership skills; and (5) wage stipends and benefits to participants.

Participation is limited to an individual who: (1) is 16 to 24 years of age, inclusive; (2) has or is a member of a household with an income below 50 percent of the median income for the county; and (3) has dropped out of high school.

Applicants with projects that use the resources of the Housing Assistance Program to provide construction employment opportunities to disadvantaged youth under the YouthBuild program will be given preference for project funding.

The Washington State Job Training Coordinating Council will advise the Employment Security Department on the development and implementation of the YouthBuild program.

Community Empowerment Zone Program. The Neighborhood Reinvestment Area Program is renamed the Community Empowerment Zone Program. An area that receives federal designation as an empowerment zone or enterprise community can apply to the state for dual designation under the state's community empowerment zone program.

Community Empowerment Zone Incentives. Tax Deferrals and Tax Credits for Business Investments/Projects in Distressed Areas. The term "neighborhood reinvestment areas" is replaced with "community empowerment zone" in the existing sales and use tax deferral program and business and occupation tax credit available under the distressed county program. Projects located in community empowerment zones require full-time employment positions to be filled with people who initially reside in the zone.

Community Empowerment Technical Assistance. The Department of Community, Trade, and Economic Development will provide technical assistance to support implementation of local community empowerment zone plans. The technical assistance includes, but is not limited to: commercial district revitalization techniques, technical and leadership skills training, and small business and entrepreneurial development.

Youth Gangs. The Gang Risk Prevention and Intervention Pilot Program is expanded to include local school districts or community organizations located in all communities. The state may provide additional grants and technical assistance to develop strategies designed to reduce the probability of youth gang activities at the local level.

Community Policing Assistance. The Department of Community, Trade, and Economic Development may make grants to local governments to develop effective crime-fighting partnerships between law enforcement and the community. The community

policing assistance grants are limited: (1) to local governments that have developed an overall plan or strategy to address crime and related problems in a community empowerment zone; (2) to community policing activities such as multi-disciplinary crime prevention teams, public education programs, neighborhood resource centers and foot patrols; and (3) up to 20 percent of salaries and fringe benefits of newly sworn law enforcement officers, excluding overtime, for a three-year period.

Community-Based Violence Prevention and Reduction. Violence Prevention and Intervention. The Community Mobilization Against Substance Abuse Program is expanded to include grants to communities to develop violence prevention and intervention strategies. The program is moved from the Office of the Governor to the Department of Community, Trade, and Economic Development.

Temporary Shelter for Homeless Unaccompanied Youth. The Department of Community, Trade, and Economic Development can make loans and grants to develop housing and supportive services for homeless, unaccompanied youth. The department must develop a plan to coordinate federal, state and local youth. The program expires July 1, 1995.

SUMMARY OF PROPOSED COMMITTEE AMENDMENT:

I. INTENT (Pages 1-3)

The Legislature finds that the increasing violence in our society is cause for great concern about the immediate health and safety of our citizens and social institutions. Youth violence is increasing at an alarming rate and young people between the ages of 15 and 24 are at the highest risk of being perpetrators and victims of violence. Additionally, random violence, including homicide and the use of firearms, has dramatically increased over the last decade.

The Legislature finds that violence is abhorrent to the aims of a free society and cannot be tolerated. State efforts at reducing violence must include changes in criminal penalties, reducing the unlawful use and access of firearms, increasing educational efforts to encourage non-violent means for resolving conflicts, and allowing communities to design their prevention efforts.

The Legislature finds that the problem of violence can be addressed with many of the same approaches that public health programs have used to control other problems such as infectious disease, tobacco use, and traffic fatalities.

Addressing the problem of violence requires the concerted effort of all communities and all parts of state and local governments. It is the immediate purpose of this legislation to:

- * Prevent acts of violence by encouraging change in social norms and individual behaviors which have been shown to decrease the risk of violence;
- * Increase the severity and certainty of punishment for youth and adults who commit violent acts;
- * Reduce the severity of harm to individuals when violence occurs;
- * Empower communities to focus their concerns and allow them to control the funds dedicated to empirically-supported violence prevention efforts in their region; and
- * Reduce the fiscal and social impact of violence on our society.

II. PUBLIC HEALTH (Pages 3-6)

Data Collection (Sec. 202). The Department of Health is designated as the agency for the coordination of all information relating to violence and other intentional injuries. The department is directed to develop comprehensive rules for the collection and reporting of data relating to incidents of violence and associated risk factors. The data collection and reporting rules shall be used by any entity required to report such data.

The department will provide any necessary data to the local health departments for use in the planning or evaluation of community networks. The department shall publish periodic reports on intentional injuries and their associated risk and protective factors.

Program Standards and Outcome Measures (Sec. 203). The public health improvement plan created by the Health Services Act of 1993 shall include:

- 1) Minimum standards for state and local public health assessment, policy development, and assurance regarding social development to prevent violence and other public health threats.
- 2) Measurable risk factors which may lead to violence, teen pregnancy and parentage, dropping out of school, drug abuse, suicide, and other health problems.
- 3) Data collection and analysis standards for use by the local public health departments, the state council, and the local community networks. The standards shall ensure consistent and interchangeable data.
- 4) Recommendations to reduce statutory barriers affecting data collection or reporting.

Rules Established (Sec. 204). The Department of Health shall establish, by rule, standards for local health departments to

use in assessment, policy development and assurance regarding social development to prevent health problems caused by social, educational, or behavioral factors, such as: violence and delinquency; substance abuse; teen pregnancy and parentage; suicide attempts; dropping out of school; and child abuse and neglect. The standards shall be based on the standards in the public health improvement plan.

Voluntary Violence Screening (Sec 205). The Department of Health shall develop a suggested reporting format for use by the print, television, and radio media in reporting their voluntary violence reduction efforts. The Legislature encourages the use of a statewide voluntary, socially-responsible policy to reduce the emphasis, amount, and type of violence in all public media. Each area of the public media may carry out the policy in whatever manner they deem appropriate.

Evaluation (Sec. 801). The standards shall be used by the Legislative Budget Committee for evaluating the outcome of the community networks plans and efforts.

III. COMMUNITY NETWORKS (Pages 6-24)

Definitions (Sec. 302). "At-risk" children and youth are those who risk significant loss of social, educational, or economic opportunities. At-risk behaviors include violence and delinquency, substance abuse, teen pregnancy and male parentage, suicide attempts, and dropping out of school. Children and youth at risk include those who are victims of violence, abuse, neglect, and those who have been removed from the custody of their parents.

Community Public Health and Safety Council (Sec. 302). The family policy council is renamed the Community Public Health and Safety Council. Effective May 15, 1994, the membership of the council is expanded to include a representative of a county, city, town, Indian tribe, school district, children's commission, law enforcement agency, superior court, private agency service provider, parks and recreation program, representatives of community organizations not associated with the delivery of services, and a chief executive officer from two major Washington corporations.

Community Public Health and Safety Networks (Sec. 303-304). Community public health and safety networks are created to reduce the number of children and youth who are at risk.

The community network membership is composed of 23 people. Thirteen of the members shall be citizens with no direct fiduciary interest in health, education, social service, or criminal justice organizations. Citizen members of existing commissions, boards, and organizations within the network shall be considered for membership in the community network. The remaining members shall represent local government, tribes, law enforcement, courts, recreation, social service, education, health, employment, and nonsecular organizations.

The Governor shall appoint a temporary chair of each community network by September 1, 1994. The temporary chair shall convene the initial meeting at which membership and officer selection is decided. The chair shall submit a proposed membership list to the Governor for his consideration by November 1, 1994. The proposed list of members shall become final on December 20, 1994, unless the Governor determines that the membership does not adequately represent the parties identified in the bill, or that a member has a conflict of interest.

The networks shall:

- 1) Review local public health data relating to at-risk children and youth;
- 2) Prioritize the risk factors and protective factors to reduce the likelihood of their children and youth being at risk. The priorities shall be based upon the local public health data and shall utilize the data standards established by the Department of Health;
- 3) Develop long-term community plans to reduce the number of at-risk children and youth; set definitive, measurable goals, based upon the Department of Health standards; and project desired outcomes;
- 4) Distribute funds to local programs that reflect the locally established priorities;
- 5) Meet outcome-based standards for determining success; and
- 6) Cooperate with Department of Health and local boards of health to provide data and determine outcomes.

Each community network shall select a public entity as the lead administrative and fiscal agency.

Community Network Planning Options (Sec. 305). The plans may include funding of community-based home visitor programs, at-risk youth job placement and training programs, employment assistance, education assistance, counselling and crisis intervention, youth leadership development, and technical assistance to grant applicants.

Planning Grants and Assistance (Sec. 306). All networks are eligible to receive planning grants and technical assistance on January 1, 1995. After receiving the planning grant a region will be given a year to submit its plan. Beginning July 1, 1995, up to one-half of the networks will be eligible to receive funds for prevention and early intervention programs. The networks that did not receive the initial grants are eligible, upon approval of their plans, to receive such funds on January 1, 1997.

Council's Duties (Sec. 307). The council's duties include:

- * Determining the boundaries for the networks by July 1, 1994. There is a presumption that the network boundaries should not divide a county, or encompass an area with a population of less than 40,000 people;
- * Developing a training program to assist communities in creating community networks;
- * Approving the structure, purpose, goals, and plans of each community network;
- * Identifying prevention and early intervention programs and funds, in addition to those set forth in the bill, which could be transferred to the community networks;
- * Rewarding networks which reduce state-funded out-of-home placements;
- * Reviewing the implementation of this act and making recommendations to the Legislature;
- * Assisting the Governor in requesting any necessary federal waivers and coordinating any necessary efforts to make changes in federal law;
- * Reviewing the state-funded out-of-home placement rate to determine whether the rate was sufficiently reduced the region. If it is determined that the placement rate was not sufficiently reduced the council may reduce the grant for the next contract period.

Treatment Programs (Sec. 308). The council may, by a simple majority, remove from the grants any funds used for treatment programs.

Community Plan Approval Process (Sec. 310). The council shall only disburse funds to a community network after a comprehensive community plan has been prepared and approved by the council. In approving the plan the council shall consider whether the network:

- 1) Promoted input from the widest practical range of agencies and affected parties;
- 2) Reviewed the indicators of violence data compiled by the local public health departments and incorporated a response to those indicators in the plan;
- 3) Obtained certification of its plan by the largest health department in the region, ensuring that the plan met the Department of Health's minimum standards for assessment and policy development relating to violence prevention;
- 4) Included a specific mechanism of data collection and transmission based on the rules established by the Department of Health;

- 5) Isolated only one or a few of the elements of the cause and cure of violence in the plan to the exclusion of others;
- 6) Committed to make measurable reductions in the number of out-of-home placements, at-risk children and youth, and reductions in at least three of the following areas: Violent criminal acts by juveniles, substance abuse, teen pregnancy and male parentage, teen suicide attempts, or the youth rate of dropping out of school.

The community network may demonstrate that a specific program, or a part of a program, should not have its funding decategorized and block granted to the network.

Prevention Programs Funds (Sec. 311-315). Except as provided below, the following programs and funds shall be granted to community networks which have an approved plan:

- * Victim's Assistance (except sexual assault) - DSHS/DCFS
- * Family Preservation and Support Services - DSHS/DCFS
- * Consolidated Juvenile Services - DSHS/DJR
- * Readiness to Learn - OSPI
- * Drug & Alcohol Prevention - OSPI
- * Violence Prevention - DCD
- * Community Mobilization - DCD
- * Community-Police Partnership - CJTC

Restricted Funds (Sec. 314). All funds transferred to the community networks from the community mobilization and drug/alcohol programs shall be used only for those purposes, until July 1, 1997.

Federal Waivers (Sec. 317). The council shall assist the Governor in requesting any necessary federal waivers or changes in federal law.

Regulation of Programs (Sec. 318). No state agency may require any program requirements for the granted funds, except as necessary to meet federal funding standards. None of the funds which are granted to the community networks shall be considered new entitlements.

Office of Financial Management (OFM) (Sec. 325). The OFM shall develop the fund distribution formula for determining allocations to the community public health and safety networks by December 20, 1994. OFM shall reserve 5 percent of the funds for the purpose of rewarding community networks that show exceptional reductions in the number of youth placements in state-funded out-of-home settings.

Group Homes (Sec. 327-328). The Secretary of DSHS and the Insurance Commissioner shall conduct a study regarding liability issues and insurance rates for private nonprofit group homes.

DSHS will make its nonconfidential evaluation and research materials on group homes available to group home contractors.

IV. PUBLIC SAFETY (Pages 24-114)

Curfew Laws (Sec. 402-404). Any city, town, or county may enact a youth curfew law to protect youth from violence or to prevent unlawful youth activity. Standards for enacting a curfew law are established.

Minor's Driver Licenses (Sec. 405-408). Any minor convicted of an offense involving the use or possession of a firearm shall lose his or her privilege to possess a driver's license until age 18.

Concealed Pistol License Revocation (Sec. 409-410). Upon conviction of an offense that disqualifies a person from ownership of a pistol the court shall revoke the person's concealed pistol license, if any.

Definitions (Sec. 411 & 466). Definitions are provided in the firearm statute for "deadly weapon," "ammunition," and "dealer." Possession of a federal firearms license does not constitute conclusive proof that the holder is a person engaged in business as a dealer.

Crimes that Disqualify a Person from Possession of a Pistol (Sec. 412). Adds to the list of offenses which disqualify a person from possessing a pistol: Domestic violence offenses, malicious harassment offenses, and the "most serious offenses" from Initiative 593.

Concealed Pistol Licenses (Sec. 415). The Department of Licensing (DOL) must enter the application information for a concealed pistol license and the issuance or denial of a license into its record bank. DOL also must ensure that all the information is incorporated in an on-line format.

A person may only apply for a concealed pistol license in the municipality or county in which he or she resides. A political subdivision cannot refuse to accept an application for a concealed pistol license.

The issuing authority has 45 days (vs 30) to process the application for a resident, and 75 days (vs 60) for an applicant who does not have a valid Washington driver's license or identification card. The time for issuance of the license may be extended 30 days if there is a question of whether a disqualifying conviction has been entered. Each false statement on an application for a concealed pistol license constitutes a separate misdemeanor offense.

The fee for the original issuance of a four-year license is raised to \$30. The renewal fee is raised to \$20.

Delivery of Pistols and Gun/Ammunition-Free School Zone (Sec. 416). No person may deliver a pistol or pistol ammunition to any person under age 21 or to any person who is otherwise ineligible to possess a pistol. Violation of this provision is increased from a misdemeanor to a gross misdemeanor for the first offense and to a class C felony for any subsequent

violations. Any person who commits this offense within 1000 feet of a school is guilty of a class C felony. The minimum sentence for a violation of these provisions is 90 days of confinement.

Mandatory and Enhanced Sentences (Sec. 416 & 439). Any juvenile who illegally possesses a pistol shall be confined for a minimum of 10 days. Sentences are enhanced for juveniles who commit a felony while armed with a firearm. A 90 day mandatory minimum sentence is imposed for the unlawful delivery of a pistol, including the unlawful delivery within 1000 feet of a school.

Application to Purchase a Pistol (Sec. 417). Every dealer shall report data to Department of Licensing regarding all pistol sales. The department is required to develop the forms for reporting sales. It is a misdemeanor to make a false statement on an application to purchase a pistol.

Retail Dealer's Licenses (Sec. 420). The license fee that is paid by retail dealers is raised from \$5 a year to \$150 a year. A dealer's license is required to sell pistols, other firearms, or ammunition. The proceeds from the dealer fees are used for firearm safety training courses.

The licensing authority must process an application for a dealer's license within 45 days, or within 75 days for a non-resident. To qualify for a license the person must: possess a federal firearms license; undergo fingerprinting and a background check; and meet the eligibility requirements to possess a firearm and concealed pistol license. Employees of a firearm dealer shall meet specified requirements.

Minors and Firearms (Sec. 425). No person under age 21 may possess a pistol or pistol ammunition, and no person under age 14 may possess any firearm or ammunition. Exceptions are allowed: (1) when in the presence of a parent or guardian or other adult approved by the parent or guardian; (2) when under the supervision of a safety instructor at a gun range or training class; or (3) while engaged in hunting, while properly licensed.

The penalty for a first offense is a gross misdemeanor, and a Class C felony for each violation thereafter. These provisions do not interfere with the right to employ a firearm in self defense.

Penalty Enhancement for Aiming or Discharging a Firearm (Sec. 428). The penalty for aiming or discharging a firearm at a person is elevated from a misdemeanor to a Class C felony. Willful discharge of a firearm or other weapon in a public place where people might be endangered is raised from a misdemeanor to a gross misdemeanor.

School Grounds (Sec. 429). If a person unlawfully carries a firearm onto a school premise, and the person possesses a concealed pistol license, he or she forfeits the license upon conviction.

Firearm Theft (Sec. 430-432). The offenses for theft of firearms and possession of stolen firearms are recodified under the firearm statutes. A "lack of knowledge" defense is provided for the crime of possession of a stolen weapon.

Parental Liability (Sec. 433). A parent's maximum liability for the criminal acts of their children is increased from \$5,000 to \$10,000. Liability is imposed for damages incurred when a parent or guardian negligently or knowingly allows his or her minor child to possess a firearms, when the parent or guardian is aware of a substantial risk of harm.

Decline of Jurisdiction (Sec. 435). A decline hearing, which is the process to charge a juvenile in adult court, must be held in those instances when a juvenile 12 or over is alleged to have committed a "crime of violence" or "most serious offense" with the use of a deadly weapon.

Superior Court Jurisdiction (Sec. 436). The superior court shall have original exclusive jurisdiction over all juveniles, ages 16 and 17, who commit a serious violent offense, or commit a crime of violence when they have a prior conviction for a crime of violence.

Juvenile Sentencing (Sec. 437-439). All juveniles, rather than those of a specified age, may be sentenced as a "minor or first offender." Before imposing an "option B" sentence for a middle offender, the court must first impose and suspend the more punitive "option A" sentence. If the court finds a juvenile to be eligible for the "special sex offender disposition alternative," it may still enter an order of confinement, if it finds a manifest injustice would occur otherwise.

Postrelease Supervision Requirements (Sec. 440). Every postrelease supervision agreement for a juvenile shall include a prohibition from possessing a deadly weapon. Sanctions for possessing a deadly weapon and for committing new criminal acts are specified.

Restitution Orders (Sec. 441-442). A juvenile's payment plan under a court restitution order may be extended for up to 10 years (vs three years) after the juvenile's 18th birthday.

Offender Good Time Credit (Sec. 444). The Department of Corrections may establish rules regarding literacy training, employment skills training, or anger management education, as a prerequisite to allowing good time credit.

Business and Occupation Tax (Sec. 445). An additional business and occupation tax is levied, in the amount of 0.5 percent, on retail sales of firearms and ammunition.

Domestic Violence (Sec. 446-458). The court, when entering any restraining order, anti-harassment order, or order for protection shall determine whether it is appropriate to require a party to surrender any deadly weapons, surrender any concealed pistol license, prohibit them from obtaining a

deadly weapon, or prohibit them from obtaining a concealed pistol license.

Firearm Safety (Sec. 459). Entities that receive matching funds from the firearms range account must be open to persons who are enrolled in a firearm safety class. Revenue generated through firearm dealer fee increases are to be dedicated for firearm safety training.

Drug Offender Sentencing Option (Sec. 460-462). A new drug offender sentencing option is created for first time felony offenders. The court may order a portion of the sentence to be served in community custody with specified conditions.

DJR Jobs Skills Training Program (Sec. 465, 517 & 518). The Division of Juvenile Rehabilitation and the local school districts, which have residential schools, shall develop and implement a jobs skills training program.

Technical Changes. A number of technical corrections are made throughout the Firearms Act.

V. **EDUCATION** (Pages 124-137)

Violence Program Information (Sec. 501). The office of the Superintendent of Public Instruction (OSPI) shall promote interagency sharing of information on violence prevention programs, model violence prevention curricula, and participation with OSPI's Center for the Improvement of Student Learning.

Data (Sec. 503). Requires collection of data on school violence in the annual school performance reports. The data shall be collected pursuant to the standards developed by the Department of Health.

Teacher Training (Sec. 504). Require the State Board of Education to include violence prevention awareness and training as a condition of teacher certification. Require that in-service training regarding violence be offered statewide.

Parenting Skills (Sec. 505). Project Even Start curricula shall include violence prevention as part of the parenting skills training program.

Performance Standards (Sec. 508). Require performance standards/criteria on violence as part of determination the reward, assistance, or intervention program.

Expanded Use of School Facilities (Sec. 509 & 515). Encourages the expanded use of school facilities for after-hours recreational opportunities and day care. This expansion may be funded with matching grants by the community networks. The State Board of Education will study other possible incentives to encourage schools to increase space availability for after-hours community use.

Assaults on Staff (Sec. 510). Assaults on teachers, school staff, coaches, and volunteers are increased to class C felonies.

Safety Devices (Sec. 511). State matching funds may be used by school districts for metal detectors or other security for the purpose of violence prevention.

Records (Sec. 512-514 & 516-517). The social file, diversion record, police contact report, and arrest record of a student will be made available to a school district as necessary for the provision of additional services. A parent may file a written statement indicating which records shall remain confidential. The Department of Social and Health Services and the office of the Superintendent of Public Instruction shall adopt rules, consistent with federal law, necessary to implement this provision.

When a school transfers a student's transcript, it may also transfer attendance records, records of unpaid fines or property damage, and any disciplinary records.

VI. MEDIA (Pages 137-144)

TV Time/Channel Lock (Sec. 603). All televisions sold in the state must have a time/channel lock or be sold with the offer to purchase a separate time and/or channel lock, or such other device that enables the parent to regulate television programming. All cable television companies shall make a time and/or channel lock, or such other device, available to their customers at cost.

Age-rating of Video Games (Sec. 604). All videos, video games, and virtual reality games sold in Washington State shall clearly and prominently display a realistic age rating. The age rating shall be developed by the originator of the video or game.

Rental of Videos to Minors (Sec. 605). No business shall sell or rent a video or video game to a person under age 18 unless accompanied by a parent or guardian or the parent or guardian has a written declaration on file with the business authorizing the juvenile's rental or purchase. Civil penalties are to be imposed for a violation of this provision.

Counter-Message Advertising Against Violence (Sec. 606). The print and broadcast media are encouraged to utilize antiviolence "counter-message advertising" as a public service. The content, style and format of the messages is developed by the Community Public Health and Safety Council. The messages may be produced with funds from the council, or may be voluntarily produced by the media.

Libraries (Sec. 607). Libraries shall establish library antiviolence policies and standards to limit minors access to violent videos.

Television Violence Report Card (Sec. 608). The state Board of Health shall establish a program for evaluating and ranking television programs by incidence of violence and tracking the sponsors of the programs. The board shall make the results available to the public, the Department of General Administration, and the State Investment Board.

Prohibition of Unrated, X-rated, and NC-17-rated Motion Pictures in Correctional Facilities (Sec. 609-610). The showing of unrated, X-rated, or NC-17-rated motion pictures in correctional facilities or juvenile detention facilities, either on television or by VCR, is prohibited.

Prohibition of Use of Violent Computer Software and Videos in Schools (Sec. 611-612). Each educational service district shall monitor the software and videos used in schools in its region for fictional violent content, using guidelines developed by OSPI. Use of "violent" software, computer games, and videos shall be prohibited except for the depiction of actual, historical events or for educational purposes. The K-12 Educational Technology Plan shall set forth guidelines for monitoring fictional violent content in computer software and videos used in schools.

Disinvestment in Corporations Profiting from Violence (Sec. 613-614). A statutory policy of disinvestment in corporations profiting from violence-related products or services shall be established for all purchasing by the state through the Department of General Administration and for all investments by the State Investment Board. Exceptions are allowed for products related to the national defense and for educational related products and services.

VII. MISCELLANEOUS (Pages 144-151)

Implementation and Outcome Evaluation (Sec. 701). The Legislative Budget Committee (LBC) shall contract to monitor and track the implementation of this act to determine whether these efforts result in a measurable reduction of violence, and evaluate the data provided by the state and local health departments to determine whether the community networks have met the outcome criteria.

If, after the initial five-year period, any network shall not meet the outcome criteria in any two consecutive years, LBC shall recommend to the Legislature whether the funds received by that network shall revert back to the originating agency.

Omnibus Drug Act and Cigarette Tax (Sec 702-706). Re-authorizes revenue sections of the Omnibus Drug Act of 1989. The carbonated beverage tax is allowed to expire on July 1, 1995. New revenue is generated with an additional 12 cent per pack tax on cigarettes. The revenue is deposited in the violence reduction and drug enforcement account and dedicated for the purposes of this act and the 1989 Drug Act.

Referendum Clause (Sec. 707). Includes a referendum clause as a single ballot measure for all new revenue provisions.

Appropriation: none

Revenue: none

Fiscal Note: requested February 9, 1994

Effective Date: Sections 201 through 204, 302, 329, 460 and 461 shall take effect immediately. Section 705 shall take effect July 1, 1995.

TESTIFIED (Ways & Means): Sherry Appleton, WA Defender Assn. and WA Assn. of Criminal Defense Lawyers; Jean Wessman, Assn. of Counties; Jackie White, Assn. of WA Cities; Susan Crowley, City of Seattle; Lonnie Johns-Brown, NASW; Peter Berliner, Children's Alliance; Mary Pontarolo, Coalition Against Domestic Violence; Majken Ryherd Keira, HS Roundtable; John Kvamme, Tacoma Public Schools; Susan Patrick, OSPI; Walter Ball, AWSP; Judy Turpin, Childhaven & NW Women's Law Center; Margaret Casey, WA State Catholic Conference and Juvenile Court Admin. Assn.; Chris Parsons, Peace Action of Washington; Greg Devereaux, WFSE