

CERTIFICATION OF ENROLLMENT

ENGROSSED SECOND SUBSTITUTE HOUSE BILL 2588

Chapter 50, Laws of 2000

(partial veto)

56th Legislature
2000 Regular Session

DOMESTIC VIOLENCE FATALITY REVIEWS

EFFECTIVE DATE: 6/8/00

Passed by the House March 7, 2000
Yeas 98 Nays 0

CLYDE BALLARD
Speaker of the House of Representatives

FRANK CHOPP
Speaker of the House of Representatives

Passed by the Senate March 2, 2000
Yeas 48 Nays 0

BRAD OWEN
President of the Senate

Approved March 22, 2000, with the
exception of section 10, which is
vetoed.

GARY LOCKE
Governor of the State of Washington

CERTIFICATE

We, Timothy A. Martin and Cynthia Zehnder, Co-Chief Clerks of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SECOND SUBSTITUTE HOUSE BILL 2588** as passed by the House of Representatives and the Senate on the dates hereon set forth.

CYNTHIA ZEHNDER
Chief Clerk

TIMOTHY A. MARTIN
Chief Clerk

FILED
March 22, 2000 - 3:45 p.m.

**Secretary of State
State of Washington**

ENGROSSED SECOND SUBSTITUTE HOUSE BILL 2588

AS AMENDED BY THE SENATE

Passed Legislature - 2000 Regular Session

State of Washington 56th Legislature 2000 Regular Session

By House Committee on Appropriations (originally sponsored by Representatives Tokuda, D. Sommers, Kagi, Boldt, Kenney, Dickerson, Ogden, Veloria, Haigh, Santos, Romero, O'Brien, Edwards, Constantine, Rockefeller, Miloscia and McIntire)

Read first time 02/07/2000. Referred to Committee on .

1 AN ACT Relating to domestic violence fatality reviews; adding a new
2 chapter to Title 43 RCW; and creating new sections.

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

4 NEW SECTION. **Sec. 1.** Unless the context clearly requires
5 otherwise, the definitions in this section apply throughout this
6 chapter.

7 (1) "Department" means the department of social and health
8 services.

9 (2) "Domestic violence fatality" means a homicide or suicide under
10 any of the following circumstances:

11 (a) The alleged perpetrator and victim resided together at any
12 time;

13 (b) The alleged perpetrator and victim have a child in common;

14 (c) The alleged perpetrator and victim were married, divorced,
15 separated, or had a dating relationship;

16 (d) The alleged perpetrator had been stalking the victim;

17 (e) The homicide victim lived in the same household, was present at
18 the workplace of, was in proximity of, or was related by blood or

1 affinity to a victim who experienced or was threatened with domestic
2 abuse by the alleged perpetrator; or

3 (f) The victim or perpetrator was a child of a person in a
4 relationship that is described within this subsection.

5 This subsection should be interpreted broadly to give the domestic
6 violence fatality review panels discretion to review fatalities that
7 have occurred directly to domestic relationships.

8 NEW SECTION. **Sec. 2.** (1) Subject to the availability of state
9 funds, the department shall contract with an entity with expertise in
10 domestic violence policy and education and with a state-wide
11 perspective to coordinate review of domestic violence fatalities. The
12 coordinating entity shall be authorized to:

13 (a) Convene regional review panels;

14 (b) Gather information for use of regional review panels;

15 (c) Provide training and technical assistance to regional review
16 panels;

17 (d) Compile information and issue biennial reports with
18 recommendations; and

19 (e) Establish a protocol that may be used as a guideline for
20 identifying domestic violence related fatalities, forming review
21 panels, convening reviews, and selecting which cases to review. The
22 coordinating entity may also establish protocols for data collection
23 and preservation of confidentiality.

24 (2)(a) The coordinating entity may convene a regional domestic
25 violence fatality review panel to review any domestic violence
26 fatality.

27 (b) Private citizens may request a review of a particular death by
28 submitting a written request to the coordinating entity within two
29 years of the death. Of these, the appropriate regional review panel
30 may review those cases which fit the criteria set forth in the protocol
31 for the project.

32 NEW SECTION. **Sec. 3.** (1) Regional domestic violence fatality
33 review panels shall include but not be limited to:

34 (a) Medical personnel with expertise in domestic violence abuse;

35 (b) Coroners or medical examiners or others experienced in the
36 field of forensic pathology, if available;

37 (c) County prosecuting attorneys and municipal attorneys;

1 (d) Domestic violence shelter service staff and domestic violence
2 victims' advocates;

3 (e) Law enforcement personnel;

4 (f) Local health department staff;

5 (g) Child protective services workers;

6 (h) Community corrections professionals;

7 (i) Perpetrator treatment program provider; and

8 (j) Judges, court administrators, and/or their representatives.

9 (2) Regional domestic violence fatality review panels may also
10 invite other relevant persons to serve on an ad hoc basis and
11 participate as full members of the review team for a particular review.
12 These persons may include, but are not limited to:

13 (a) Individuals with particular expertise helpful to the regional
14 review panel;

15 (b) Representatives of organizations or agencies that had contact
16 with or provided services to the homicide victim or to the alleged
17 perpetrator.

18 (3) The regional review panels shall make periodic reports to the
19 coordinating entity and shall make a final report to the coordinating
20 entity with regard to every fatality that is reviewed.

21 NEW SECTION. **Sec. 4.** (1) An oral or written communication or a
22 document shared within or produced by a regional domestic violence
23 fatality review panel related to a domestic violence fatality review is
24 confidential and not subject to disclosure or discoverable by a third
25 party. An oral or written communication or a document provided by a
26 third party to a regional domestic violence fatality review panel, or
27 between a third party and a regional domestic violence fatality review
28 panel is confidential and not subject to disclosure or discovery by a
29 third party. Notwithstanding the foregoing, recommendations from the
30 regional domestic violence fatality review panel and the coordinating
31 entity generally may be disclosed minus personal identifiers.

32 (2) The regional review panels, only to the extent otherwise
33 permitted by law or court rule, shall have access to information and
34 records regarding the domestic violence victims and perpetrators under
35 review held by domestic violence perpetrators' treatment providers;
36 dental care providers; hospitals, medical providers, and pathologists;
37 coroners and medical examiners; mental health providers; lawyers; the
38 state and local governments; the courts; and employers. The

1 coordinating entity and the regional review panels shall maintain the
2 confidentiality of such information to the extent required by any
3 applicable law.

4 (3) The regional review panels shall review, only to the extent
5 otherwise permitted by law or court rule when determined to be relevant
6 and necessary to an investigation, guardian ad litem reports, parenting
7 evaluations, and victim impact statements; probation information;
8 mental health evaluations done for court; presentence interviews and
9 reports, and any recommendations made regarding bail and release on own
10 recognizance; child protection services, welfare, and other information
11 held by the department; any law enforcement incident documentation,
12 such as incident reports, dispatch records, victim, witness, and
13 suspect statements, and any supplemental reports, probable cause
14 statements, and 911 call taker's reports; corrections and postsentence
15 supervision reports; and any other information determined to be
16 relevant to the review. The coordinating entity and the regional
17 review panels shall maintain the confidentiality of such information to
18 the extent required by any applicable law.

19 NEW SECTION. **Sec. 5.** If acting in good faith, without malice, and
20 within the parameters of this chapter and the protocols established,
21 representatives of the coordinating entity and the regional domestic
22 violence fatality review panels are immune from civil liability for an
23 activity related to reviews of particular fatalities.

24 NEW SECTION. **Sec. 6.** Within available funds, data regarding each
25 domestic violence fatality review shall be collected on standard forms
26 created by the coordinating entity. Data collected on reviewed
27 fatalities shall be compiled and analyzed for the purposes of
28 identifying points at which the system response to domestic violence
29 could be improved and identifying patterns in domestic violence
30 fatalities.

31 NEW SECTION. **Sec. 7.** (1) A biennial state-wide report shall be
32 issued by the coordinating entity in December of even-numbered years
33 containing recommendations on policy changes that would improve program
34 performance, and issues identified through the work of the regional
35 panels. Copies of this report shall be distributed to the governor,
36 the house of representatives children and family services and criminal

1 justice and corrections committees, and the senate human services and
2 corrections and judiciary committees and to those agencies involved in
3 the regional domestic violence fatality review panels.

4 (2) The annual report in December 2010 shall contain a
5 recommendation as to whether or not the domestic violence review
6 process provided for in this chapter should continue or be terminated
7 by the legislature.

8 NEW SECTION. **Sec. 8.** Sections 1 through 7 of this act constitute
9 a new chapter in Title 43 RCW.

10 NEW SECTION. **Sec. 9.** If any part of this act is found to be in
11 conflict with federal requirements that are a prescribed condition to
12 the allocation of federal funds to the state, the conflicting part of
13 this act is inoperative solely to the extent of the conflict and with
14 respect to the agencies directly affected, and this finding does not
15 affect the operation of the remainder of this act in its application to
16 the agencies concerned. Rules adopted under this act must meet federal
17 requirements that are a necessary condition to the receipt of federal
18 funds by the state.

19 *NEW SECTION. **Sec. 10.** *If specific funding for the purposes of*
20 *this act, referencing this act by bill or chapter number, is not*
21 *provided by June 30, 2000, in the omnibus appropriations act, this act*
22 *is null and void.*

23 *Sec. 10 was vetoed. See message at end of chapter.

Passed the House March 7, 2000.

Passed the Senate March 2, 2000.

Approved by the Governor March 22, 2000, with the exception of
certain items that were vetoed.

Filed in Office of Secretary of State March 22, 2000.

1 Note: Governor's explanation of partial veto is as follows:

2 "I am returning herewith, without my approval as to section 10,
3 Engrossed Second Substitute House Bill No. 2588 entitled:

4 "AN ACT Relating to domestic violence fatality reviews;"

5 This bill establishes a statewide domestic violence fatality review
6 program, to coordinate multi-disciplinary local reviews of deaths
7 involving domestic violence. The bill specifically provides that the
8 program can operate only if funds are available to the Department of
9 Social and Health Services for this purpose. Section 10 would have
10 made the bill "null and void" unless specific funding for its purpose,
11 referencing the bill, is provided in the supplemental budget.

1 As I act on this bill, the Legislature has not yet adopted a
2 supplemental budget. I expect that budget, when adopted, will include
3 funding to implement the fatality review program the bill establishes.
4 However, some versions of the budget legislation do not reference this
5 bill specifically, even though they include the necessary funding. To
6 avoid the possibility of nullifying this important legislation through
7 inadvertent failure to refer to it in the supplemental budget, I have
8 vetoed section 10.

9 For these reasons, I have vetoed section 10 of Engrossed Second
10 Substitute House Bill No. 2588.

11 With the exception of section 10, Engrossed Second Substitute House
12 Bill No. 2588 is approved."