

SENATE BILL REPORT

SHB 1055

As Reported by Senate Committee On:
Law & Justice, March 29, 2017

Title: An act relating to pro bono legal services for military service members, veterans, and their families.

Brief Description: Concerning pro bono legal services for military service members, veterans, and their families.

Sponsors: House Committee on Appropriations (originally sponsored by Representatives Kilduff, Muri, Haler, Shea, Appleton, Klippert, Lovick, Stokesbary, Stanford, Jinkins, Reeves, MacEwen, Koster, Hayes, Barkis, Kloba, Frame, Ormsby, Bergquist, Goodman, Gregerson, Young, Kirby, Fey, Slatter, Sawyer and Tarleton; by request of Attorney General).

Brief History: Passed House: 3/01/17, 98-0.

Committee Activity: Law & Justice: 3/23/17, 3/29/17 [DPA-WM].

Brief Summary of Amended Bill

- Establishes an office for military and veteran legal assistance within the Attorney General's Office, which may not provide criminal legal assistance.
- Creates a legal assistance program that must recruit and train volunteer attorneys and identify service programs for military service members, veterans, and their families.
- Assigns requests for pro bono services to volunteer attorneys and service programs registered with the office.
- Defines family members to include surviving spouse and surviving domestic partner of a deceased service member or veteran.

SENATE COMMITTEE ON LAW & JUSTICE

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

Signed by Senators Padden, Chair; O'Ban, Vice Chair; Pedersen, Ranking Minority Member; Angel, Darneille, Frockt and Wilson.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Staff: Tim Ford (786-7423)

Background: State law prohibits the Attorney General's Office from engaging in the private practice of law. The Attorney General's Office cannot represent private citizens in court either to bring an action on behalf of an individual or to defend an individual. Any private citizen needing such representation should consult a private attorney. Veterans, military personnel, and their families may be eligible to receive certain free or low-fee legal services from a variety of regional and statewide non-profits depending upon their means and the resources of the non-profit entities.

Summary of Amended Bill: An office of military and veteran legal assistance is created within the Attorney General's Office for the purpose of promoting and facilitating civil legal assistance programs, pro bono services, and self-help services for military service members, veterans, and their family members domiciled or stationed in Washington State. Family members include surviving spouse and surviving domestic partner of a deceased service member or veteran, and also includes dependent minor children under 21 years of age. The legal assistance program does not permit the Attorney General's Office to provide criminal legal assistance.

The legal assistance program must recruit and train volunteer attorneys and identify service programs willing to perform pro bono legal services for military members, veterans, and their families. The Attorney General may apply for and receive grants, gifts, or other contributions to support this legal assistance program.

If specific funding for the purposes of this act is not provided by June 30, 2017, in the Omnibus Appropriations Act, this act is null and void.

EFFECT OF BY LAW & JUSTICE COMMITTEE AMENDMENT(S):

- Defines family members to include surviving spouse and surviving domestic partner of a deceased service member or veteran.
- Defines family members to include dependent minor children under twenty-one years of age.
- Provides that the attorney general may not directly provide legal assistance, advice, or representation in any context, unless otherwise authorized by law.
- Subject to the availability of amounts appropriated for this specific purpose.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on Substitute House Bill: *The committee recommended a different version of the bill than what was heard.* PRO: This will create a clearinghouse of pro bono civil legal services for military, veterans, and their families.

Military service members overseas are called to duty and combat, but they should not have to fight at home over legal battles without help. The Attorney General's Office will coordinate the recruitment of pro bono attorneys to provide civil legal services, but the Attorney General's Office will not directly represent private individuals.

Persons Testifying: PRO: Representative Christine Kilduff, Prime Sponsor; Travis Alley, Attorney General's Office; Mark San Souci, Department of Defense State Liaison Office; John Tymczyszyn, WA State Veterans Bar Assoc.

Persons Signed In To Testify But Not Testifying: No one.