

HOUSE BILL REPORT

ESSB 6288

As Passed House - Amended:
March 5, 2020

Title: An act relating to the Washington office of firearm violence prevention.

Brief Description: Creating the Washington office of firearm safety and violence prevention.

Sponsors: Senate Committee on Law & Justice (originally sponsored by Senators Dhingra, Pedersen, Frockt, Carlyle, Wilson, C., Kuderer, Das, Hunt, Lovelett, Nguyen and Saldaña).

Brief History:

Committee Activity:

Civil Rights & Judiciary: 2/26/20, 2/28/20 [DPA];

Appropriations: 2/29/20, 3/2/20 [DPA(CRJ)].

Floor Activity:

Passed House - Amended: 3/5/20, 53-44.

Brief Summary of Engrossed Substitute Bill
(As Amended by House)

- Creates the Washington Office of Firearm Safety and Violence Prevention within the Department of Commerce to coordinate and promote state and local efforts to reduce firearm violence.

HOUSE COMMITTEE ON CIVIL RIGHTS & JUDICIARY

Majority Report: Do pass as amended. Signed by 9 members: Representatives Kilduff, Chair; Thai, Vice Chair; Goodman, Hansen, Kirby, Orwall, Peterson, Valdez and Walen.

Minority Report: Do not pass. Signed by 6 members: Representatives Irwin, Ranking Minority Member; Dufault, Assistant Ranking Minority Member; Graham, Klippert, Rude and Ybarra.

Staff: Ingrid Lewis (786-7289).

HOUSE COMMITTEE ON APPROPRIATIONS

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.

Majority Report: Do pass as amended by Committee on Civil Rights & Judiciary. Signed by 19 members: Representatives Ormsby, Chair; Robinson, 1st Vice Chair; Bergquist, 2nd Vice Chair; Chopp, Cody, Dolan, Fitzgibbon, Hansen, Hudgins, Kilduff, Macri, Pettigrew, Pollet, Ryu, Senn, Springer, Sullivan, Tarleton and Tharinger.

Minority Report: Do not pass. Signed by 13 members: Representatives Stokesbary, Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Rude, Assistant Ranking Minority Member; Caldier, Chandler, Corry, Dye, Hoff, Kraft, Mosbrucker, Steele, Sutherland and Ybarra.

Minority Report: Without recommendation. Signed by 1 member: Representative Schmick.

Staff: Jessica Van Horne (786-7288).

Background:

Public health science involves preventing illness, injury, and the spread of disease at a population or community level. From 1992 to 1996, the Centers for Disease Control's (CDC) National Center for Injury Prevention and Control funded public health research investigating how to reduce deaths and injuries resulting from gun violence. In 1996 Congress enacted a budget proviso which barred the CDC from using funds "to advocate or promote gun control." The CDC interpreted this provision as a prohibition of the funding of research into gun violence. The CDC continued to collect data reported by states through the National Violent Death Reporting System and data for unintentional firearm injury deaths. Researchers identified limits on national-level data collection and data access as an impediment to their research. In 2018 Congress clarified that the ban on federal dollars for advocacy or the promotion of gun control did not extend to a ban on research.

Gun violence research programs at the state level have continued to integrate public health methods into their research to support evidence-based policy efforts to reduce gun violence.

In Washington, legislation was enacted in 2016 creating a Safe Homes Task Force (Task Force) administered by the University of Washington. The goal of the Task Force was to develop suicide awareness and intervention strategies, with a focus on suicide by firearm and prescription medication.

Summary of Amended Bill:

The Washington Office of Firearm Safety and Violence Prevention (Office) is created within the Department of Commerce to coordinate and promote state and local efforts to reduce firearm violence.

Duties of the Office of Firearm Safety and Violence Prevention.

Duties include, but are not limited to, the following:

- working with law enforcement agencies, county prosecutors, researchers, and public health agencies to identify and improve upon available data sources, data collection methods, and data sharing mechanisms, including identifying gaps in available data

- needed for ongoing analysis, policy development, and implementation of evidence-based firearm violence intervention and prevention strategies;
- researching, identifying, and recommending legislative policy options to promote the implementation of statewide evidence-based firearm violence intervention and prevention strategies;
 - researching, identifying, and applying for nonstate funding to aid in the research, analysis, and implementation of statewide firearm violence intervention and prevention strategies;
 - working with the Office of Crime Victim Advocacy to identify opportunities to better support victims of firearm violence;
 - contracting for a statewide helpline, counseling, and referral services for persons impacted by firearm violence;
 - contracting with the University of Washington to develop a best practice guide for therapy for gun violence victims; and
 - administering the Washington Firearm Violence Intervention and Prevention Grant Program.

Beginning December 1, 2021, and continuing every odd-numbered year, the Office must report progress, findings, and recommendations for legislative policy options to the appropriate legislative committees.

Statewide Helpline, Counseling, and Referral Service.

Subject to the amount appropriated, the Office must contract with a level one trauma center in the state to provide a statewide helpline, counseling, and referral service for persons impacted by gun violence. The service must be developed in consultation with the Office of Crime Victim Advocacy; include brief clinical encounters, problem solving, and referral to statewide resources; and establish relationships with providers trained in evidence-based trauma therapy.

Best Practice Guide.

The Office must contract with the University of Washington Department of Psychiatry and Behavioral Health Sciences, in collaboration with the Harborview Center for Sexual Assault and Traumatic Stress, to develop a best practice guide for therapy for gun violence victims. The guide must be made publicly available online and disseminated to appropriate entities across the state.

Grant Program.

The Office will administer the Washington Firearm Violence Intervention and Prevention Grant Program (Program) to support firearm violence reduction initiatives in communities disproportionately impacted by firearm violence and suicides. Grants must be used to support, expand, and replicate evidence-based violence reduction initiatives primarily focused on intervention services to high risk populations. Grants are awarded on a competitive basis to cities that are disproportionately impacted by violence, and to law enforcement agencies and community-based organizations that serve those cities. Two or more cities may apply jointly when appropriate.

Proposals. Grant proposals must include clearly defined and measurable objectives; a description of the proposed use of the grant to implement the initiative; a description of how

the grant will enhance coordination of existing services to reduce the duplication of services; and evidence indicating that the proposed initiative would likely reduce the incidence of firearm violence. Proposals that demonstrate the greatest likelihood of reducing firearm violence without contributing to mass incarceration will receive preference.

Selection. Grant recipients are selected by a grant selection advisory committee created by the Office. The advisory committee includes persons impacted by violence, formerly incarcerated persons, and persons with direct experience in implementing evidence-based violence reduction initiatives.

Distribution of Funds. A city that is awarded a grant must distribute no less than 50 percent of the grant funds to one or more of the following:

- community-based organizations;
- Indian tribes and tribal organizations; and
- public agencies or departments primarily dedicated to community safety or firearm violence prevention.

Reports. Grant recipients must report progress in achieving grant objectives in the time and manner required by the Office.

The Office is authorized to contract with an independent entity to evaluate the effectiveness of the Program.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Amended Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony (Civil Rights & Judiciary):

(In support) Gun violence is a public health crisis that needs to be treated as such; it is a disease that should be treated like any other. It can be prevented with a better understanding of what leads to injuries and death. Every shooting is a preventable death.

This bill is about understanding where violence occurs in communities and how to address it. Data helps communities make educated and informed decisions on prevention. This legislation would enable the documentation of injuries, causes, and possible prevention that are part of disease research protocol.

Public health research has shown that targeted and sustained investments in community-based violence intervention strategies are effective in interrupting cycles of violence, promoting community safety, and saving lives, but they lack adequate funding. The state budget does not allocate any funds that would directly fund violence intervention and prevention programs. These programs have been proven to reduce gun homicides and assaults in other states and cities. The strategies have a positive impact because they work to address the underlying issues that contribute to reoccurring cycles of violence and racial

inequities by reducing involvement in the criminal justice system and increasing equitable opportunities for all young people, particularly in communities of color and high poverty neighborhoods.

This bill would bring together advocates, researchers, and community members to align their work. It would improve clinical resources for gun violence survivors and break the cycle of trauma. Close partnership between those who are doing direct service in the community and those who are collecting the data will be required for sustainable change.

Gun violence burdens all Washington taxpayers with increasing costs of health care, law enforcement, and criminal justice. A study found that each gun-related assault had a societal cost of \$1.2 million dollars. Gun violence is pervasive beyond the immediate victims; it impacts entire communities.

The Office of Firearm Safety and Violence Prevention (Office) will be partnering with the University of Washington and a level one trauma center in developing a program to help survivors of gun violence. A centralized statewide resource line is created so that survivors and their family members could access gun violence resources and evidence-based trauma informed treatment options, as well as legal, financial, and other kinds of supportive resources. While there are resources for this population already, access is limited. There should be a systematic effort to compile the existing resources so they can be better navigated.

A best practice guide will be developed and disseminated to the the public and professionals at highly frequented areas, such as medical examiners offices, hospitals, law enforcement offices, prosecuting attorneys' offices, mental health centers, and other community organizations.

The bill would provide local grants to support and expand evidence-based strategies to reduce daily gun violence, including suicides, in neighborhoods with the highest need.

(Opposed) Proposed legislation regarding firearms has never used facts or data to support the measures and limitations imposed on self-defense and constitutional rights.

Seventy-seven percent of firearms deaths in the state are suicides, so 77 percent of the funding should go to suicide research and prevention.

A representative from the Second Amendment community should help oversee the group, and representatives from each county should be involved in the process. Paid lobbyists or members of any anti-gun group should be disqualified from participating in the Office.

Homicides should be a criminological area of study.

This bill would create a new bureaucracy of unelected partisan bureaucrats and executives working against the rights of law-abiding citizens that is funded by taxpayers.

The agency will have access to limitless records, and there is no mention of how or who will be handling the data. There will be data security and privacy issues.

Any grant program that does not have a sunset date is not trying to solve a problem. The bill is a transparent attempt to reward anti-gun organizations and provide grant funding to promote anti-gun agendas.

Staff Summary of Public Testimony (Appropriations):

(In support) Gun violence prevention policies often focus on preventing mass shootings, but not daily instances of gun violence that impact many communities. Gun violence has a disproportionate impact on communities of color. Community-based programs dedicated to preventing gun violence in other states and cities show great promise. Organizations that are by and for the communities most impacted by gun violence are best suited to stop cycles of violence. This bill would help center the kinds of gun violence that impacts our state's communities on a daily basis by conducting research and supporting victims of gun violence. It would also assist in data collection to identify and stop patterns of gun violence.

(Opposed) None.

(Other) The Department of Commerce anticipates additional costs to contract for the development of therapeutic best practices and for the helpline that are not reflected in the most recent fiscal note.

Persons Testifying (Civil Rights & Judiciary): (In support) Senator Dhingra, prime sponsor; Daniel Low, Cherry Hill Family Medicine; Clare Miller, Nancy Dombrowski, and Cause Haun, Moms Demand Action; Sean Goode, CHOOSE 180; Nancy Belcher, King County Medical Society; Dan Carew, King County Prosecuting Attorney's Office; Karyn Brownson, King County Public Health; and Laura Merchant, University of Washington Medicine and Harborview Abuse and Trauma Center.

(Opposed) Tom Kwieciak, National Rifle Association; Phil Watson, Firearms Policy Coalition; Kelly Wright; Ira Moser; David Westhaver; and Luis Berbesi.

Persons Testifying (Appropriations): (In support) Jordan Waits.

(Other) Dave Pringle, Department of Commerce.

Persons Signed In To Testify But Not Testifying (Civil Rights & Judiciary): None.

Persons Signed In To Testify But Not Testifying (Appropriations): None.