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**HOUSE BILL 1571**

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**State of Washington 67th Legislature 2021 Regular Session**

**By** Representatives Mosbrucker, Dye, Boehnke, Ybarra, Jacobsen, Dent, Walen, Graham, Robertson, Maycumber, Barkis, Caldier, Goodman, Berry, Chambers, Wylie, Corry, Griffey, Walsh, Eslick, Chase, Sutherland, and Ormsby

AN ACT Relating to protections and services for indigenous persons who are missing, murdered, or survivors of human trafficking; amending RCW 36.24.155, 13.60.010, and 68.50.320; adding a new section to chapter 68.50 RCW; adding a new section to chapter 43.101 RCW; creating new sections; and providing expiration dates.

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

NEW SECTION. **Sec.**  A new section is added to chapter 68.50 RCW to read as follows:

(1) A county coroner having jurisdiction over human remains pursuant to RCW 68.50.010 shall, upon knowledge that the remains are of an indigenous person, cooperate with law enforcement to attempt to identify and immediately contact family members and any affected tribes, tribal organizations, and communities prior to removal or disturbance of the remains, except as deemed necessary by the county coroner and law enforcement to preserve evidence for any ongoing criminal investigation. Efforts to contact family members and affected tribes, tribal organizations, and communities must include an attempt to facilitate contact through the regional liaison for missing and murdered indigenous persons pursuant to RCW 43.43.874 within 10 days of the county coroner having jurisdiction over the remains.

(2) If contact is successfully made, the county coroner shall afford an opportunity for a family member or a representative from any affected tribes, tribal organizations, or communities to visit the remains for the purpose of conducting any spiritual practices or ceremonies to honor or recognize the indigenous person's passing. A family member or representative's activities may not interfere with or jeopardize the integrity of any ongoing criminal investigation. The county coroner and the lead investigator from the law enforcement agency of jurisdiction must provide the family member or representative with a list containing any conduct the family member or representative is prohibited from doing when interacting with the remains, including an explanation of why the conduct is prohibited. The family member or representative may not conduct any practices or ceremonies until the county coroner and the lead investigator provide their authorization.

(3) For the purposes of this section, "affected tribes" has the same meaning as in RCW 68.50.645.

(4) Nothing in this section may be construed to contradict the sovereignty or rights of any federally recognized Indian tribe whose traditional lands and territories included parts of Washington.

NEW SECTION. **Sec.**  A new section is added to chapter 43.101 RCW to read as follows:

The criminal justice training commission shall collaborate with the two liaisons for missing and murdered indigenous persons pursuant to RCW 43.43.874 to provide training to law enforcement officers and county coroners in tribal sovereignty, customs, culture, traditions, and spirituality, to facilitate compliance with section 1 of this act.

**Sec.**  RCW 36.24.155 and 2011 c 16 s 1 are each amended to read as follows:

(1) Whenever anyone shall die within a county without making prior plans for the disposition of his or her body and there is no other person willing to provide for the disposition of the body, the county coroner shall cause such body to be entrusted to a funeral home in the county where the body is found. Except in counties where the county coroner or medical examiner has established a preferred funeral home using a qualified bidding process, disposition shall be on a rotation basis, which shall treat equally all funeral homes or mortuaries desiring to participate, such rotation to be established by the coroner after consultation with representatives of the funeral homes or mortuaries in the county or counties involved.

(2)(a) The county coroner, upon knowledge that a body is of an indigenous person, shall make reasonable efforts to identify and contact family members prior to entrusting the body to a funeral home, including an attempt to facilitate contact through the regional liaison for missing and murdered indigenous persons pursuant to RCW 43.43.874 within 10 days of the county coroner having jurisdiction over the remains.

(b) Upon the written request of a family member responsible for the disposition of the body of an indigenous person, the county coroner shall provide a written estimate of the time frame for entrusting the body to the family member or the family member's chosen funeral home, unless doing so would jeopardize an ongoing criminal investigation.

**Sec.**  RCW 13.60.010 and 2017 3rd sp.s. c 6 s 315 are each amended to read as follows:

(1) The Washington state patrol shall establish a missing children and endangered person clearinghouse which shall include the maintenance and operation of a toll-free telephone hotline. The clearinghouse shall distribute information to local law enforcement agencies, school districts, the department of children, youth, and families, and the general public regarding missing children and endangered persons. The information shall include pictures, bulletins, training sessions, reports, and biographical materials that will assist in local law enforcement efforts to locate missing children and endangered persons. The state patrol shall also maintain a regularly updated computerized link with national and other statewide missing person systems or clearinghouses, and within existing resources, shall develop and implement a plan, commonly known as an "amber alert plan" or an "endangered missing person advisory plan" which includes ((~~a~~)) "silver alert" ((~~designation~~)) and "red thunder alert" designations for voluntary cooperation between local, state, tribal, and other law enforcement agencies, state government agencies, radio and television stations, cable and satellite systems, and social media pages and sites to enhance the public's ability to assist in recovering abducted children, missing indigenous people, and missing endangered persons consistent with the state endangered missing person advisory plan.

(2) For the purposes of this chapter:

(a) "Child" or "children" means an individual under eighteen years of age.

(b) "Missing endangered person" means a person who is believed to be in danger because of age, health, mental or physical disability, in combination with environmental or weather conditions, or is believed to be unable to return to safety without assistance and who is:

(i) A person with a developmental disability as defined in RCW 71A.10.020(5);

(ii) A vulnerable adult as defined in RCW 74.34.020; or

(iii) A person who has been diagnosed as having Alzheimer's disease or other age-related dementia.

(c) "Silver alert" means the designated title of a missing endangered person advisory that will be used on a variable message sign and text of the highway advisory radio message when used as part of an activated advisory to assist in the recovery of a missing endangered person age sixty or older.

(d) "Red thunder alert" means the designated title of a missing indigenous person advisory that will be used on a variable message sign and text of the highway advisory radio message when used as part of an activated advisory to assist in the recovery of a missing indigenous person.

NEW SECTION. **Sec.**  (1) Subject to the availability of amounts appropriated for this specific purpose, the department of commerce's office of crime victims advocacy shall award grant funding to establish a pilot project providing wraparound services to indigenous persons who are survivors of trafficking.

(2) The department shall establish a competitive grant program to award funding for the pilot project by September 1, 2022.

(3) Public agencies, nonprofit community groups, and nonprofit treatment providers, including organizations which provide services such as shelter, counseling, and case management, are eligible to compete for grant funding.

(4) The grant recipient shall use the grant funds to develop or maintain a center capable of providing wraparound services to at least 50 indigenous persons who are survivors of trafficking, including:

(a) Short-term and long-term shelter;

(b) Food;

(c) Nonemergency health care;

(d) Mental health counseling and treatment;

(e) Substance abuse prevention, assessment, and treatment;

(f) Case management and care coordination;

(g) Education and special education services;

(h) Vocational training;

(i) Legal services, protection, and advocacy; and

(j) Transportation.

(5) The grant recipient shall provide a report to the department on the results of the pilot project by October 1, 2023. The department shall provide a report on the pilot project to the governor and appropriate committees of the legislature by December 1, 2023.

(6) This section expires January 1, 2024.

NEW SECTION. **Sec.**  (1) Subject to the availability of amounts appropriated for this specific purpose, the department of commerce's office of crime victims advocacy shall award grant funding to increase the visibility and accessibility of services and resources for indigenous persons who are survivors of trafficking.

(2) The office of crime victims advocacy shall establish a competitive grant program to award funding by September 1, 2022.

(3) Local agencies, nonprofit community groups, and nonprofit treatment providers currently engaged in providing services or resources to survivors of human trafficking are eligible to compete for grant funding.

(4) The department shall award 10 grants, five to eligible applicants in cities west of the crest of the Cascade mountains and five to eligible applicants in cities east of the crest of the Cascade mountains.

(5) Grant recipients shall collaborate with the two liaisons for missing and murdered indigenous persons pursuant to RCW 43.43.874 to develop and implement a campaign to increase the visibility and accessibility of services and resources for indigenous persons who are survivors of human trafficking, including:

(a) Development of methods to help convey information discreetly and effectively, such as through the use of easily recognizable logos and symbols;

(b) Increased signage for relevant antitrafficking hotlines in frequently visited areas, such as truck stops, gas stations, and hotels; and

(c) Increased online promotion.

(6) Grant recipients shall provide a report to the department on the results of their campaigns by October 1, 2023. The department shall provide a report to the governor and appropriate committees of the legislature by December 1, 2023.

(7) This section expires January 1, 2024.

**Sec.**  RCW 68.50.320 and 2020 c 45 s 2 are each amended to read as follows:

When a person reported missing has not been found within thirty days of the report, or at any time the investigating agency suspects criminal activity to be the basis of the victim being missing, the sheriff, chief of police, county coroner or county medical examiner, or other law enforcement authority initiating and conducting the investigation for the missing person shall: (1) File a missing person's report with the Washington state patrol missing and unidentified persons unit; (2) initiate the collection of DNA samples from the known missing person and their family members for nuclear and mitochondrial DNA testing along with the necessary consent forms; (3) ask the missing person's family or next of kin to give written consent to contact the dentist or dentists of the missing person and request the person's dental records; and (4) enter the case into the national crime information center system through the Washington state patrol electronic database. Upon knowledge that the missing person is an indigenous person, the sheriff, chief of police, county coroner or county medical examiner, or other law enforcement authority initiating and conducting the investigation for the missing person shall, in cooperation with the regional liaison for missing and murdered indigenous persons pursuant to RCW 43.43.874, search the jail booking and reporting system for the missing person and register to be notified if the missing person is later booked into jail.

The missing person's dentist or dentists shall provide diagnostic quality copies of the missing person's dental records or original dental records to the sheriff, chief of police, county coroner or county medical examiner, or other law enforcement authority, when presented with the written consent from the missing person's family or next of kin or with a statement from the sheriff, chief of police, county coroner or county medical examiner, or other law enforcement authority that the missing person's family or next of kin could not be located in the exercise of due diligence or that the missing person's family or next of kin refuse to consent to the release of the missing person's dental records and there is reason to believe that the missing person's family or next of kin may have been involved in the missing person's disappearance.

As soon as possible after collecting the DNA samples, the sheriff, chief of police, or other law enforcement authority shall submit the DNA samples to the appropriate laboratory. Dental records shall be submitted as soon as possible to the Washington state patrol missing and unidentified persons unit.

The descriptive information from missing person's reports and dental data submitted to the Washington state patrol missing and unidentified persons unit shall be recorded and maintained by the Washington state patrol missing and unidentified persons unit in the applicable dedicated missing person's databases.

When a person reported missing has been found, the sheriff, chief of police, coroner or medical examiner, or other law enforcement authority shall report such information to the Washington state patrol.

The dental identification system shall maintain a file of information regarding persons reported to it as missing. The file shall contain the information referred to in this section and such other information as the Washington state patrol finds relevant to assist in the location of a missing person.

The files of the dental identification system shall, upon request, be made available to law enforcement agencies attempting to locate missing persons.

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