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**SUBSTITUTE SENATE BILL 5327**

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**State of Washington**

**67th Legislature**

**2021 Regular Session**

**By** Senate Behavioral Health Subcommittee to Health & Long Term Care (originally sponsored by Senators Brown, Frockt, Lovelett, Rivers, Short, Warnick, and Wellman)

READ FIRST TIME 02/08/21.

1 AN ACT Relating to a confidential youth safety and well-being tip  
2 line; amending RCW 43.79A.040; adding a new chapter to Title 43 RCW;  
3 and prescribing penalties.

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

5 NEW SECTION. **Sec. 1.** The definitions in this section apply  
6 throughout this chapter unless the context clearly requires  
7 otherwise.

8 (1) "Attorney general" means the office of the Washington state  
9 attorney general.

10 (2) "Fund" means the community mental health safety fund created  
11 in section 7 of this act.

12 (3)(a) "Service provider" means a person or entity participating  
13 in the YES tip line program and YES tip line established in section 2  
14 of this act by:

15 (i) Providing direct assistance to persons referred through the  
16 YES tip line's operations; and

17 (ii) Implementing a coordinated response to the YES tip line  
18 referral according to the protocols and procedures of the YES tip  
19 line program.

1 (b) Service providers include, but are not limited to, behavioral  
2 health providers, community mental health entities, schools, and  
3 postsecondary institutions.

4 (4) "Vendor" means the entity contracted to operate the YES tip  
5 line under section 3 of this act.

6 (5) "Warm transfer" means the timely referral by the YES tip line  
7 staff to the service provider in response to a tip. A warm transfer  
8 includes, but is not limited to, a direct and successful connection  
9 between the person supplying the tip and the service provider, and,  
10 when appropriate, an alert to emergency services or other responding  
11 entities as required by the YES tip line response procedures.

12 (6) "YES tip line" means the youth empowered to speak-up  
13 statewide resource designed to accept information concerning risks to  
14 the safety or well-being of youth as part of the YES tip line program  
15 established in section 2 of this act and operated by the YES tip line  
16 vendor.

17 (7) "Youth" means any person or persons less than 25 years old.

18 NEW SECTION. **Sec. 2.** (1) To the extent that funds are  
19 appropriated for this purpose, the attorney general shall establish a  
20 program for receiving and responding to tips from the public  
21 regarding risks or potential risks to the safety or well-being of  
22 youth, called the YES tip line program. Risks to safety or well-being  
23 may include, but are not limited to, harm or threats of harm to self  
24 or others, sexual abuse, assault, rape, bullying or cyberbullying,  
25 substance use, and criminal acts. The attorney general shall  
26 establish the program within the guidelines of this chapter.

27 (2)(a) The YES tip line program must include a YES tip line for  
28 receiving reports and information described in subsection (1) of this  
29 section. Any person contacting the YES tip line, whether for  
30 themselves or for another person, must receive timely assistance and  
31 not be turned away.

32 (b) The YES tip line shall be operated by a vendor selected by  
33 the attorney general through the contracting process described in  
34 section 3 of this act.

35 (3)(a) During the development and implementation of the YES tip  
36 line program the attorney general shall convene an advisory committee  
37 consisting of representatives from the Washington state patrol, the  
38 department of health, the health care authority, the office of the  
39 superintendent of public instruction, the Washington student

1 achievement council, the Washington association of educational  
2 service districts, and other participants the attorney general  
3 appoints.

4 (b) Youth perspectives must be included and consulted in creating  
5 marketing campaigns and materials required for the YES tip line  
6 program. The insights of youth representing marginalized and minority  
7 communities must be prioritized for their invaluable insight.

8 (4) The attorney general oversees and administers the YES tip  
9 line program's operations.

10 (5) The attorney general is authorized to apply for, receive, and  
11 administer grants and donations from public and private entities for  
12 the purpose and intent of this chapter.

13 (6) The attorney general shall develop and implement processes  
14 for:

15 (a) Assessing tips based on the level of severity, urgency, and  
16 assistance needed using best triage practices including the YES tip  
17 line:

18 (i) Risk assessment for referral of persons contacting the YES  
19 tip line to service providers;

20 (ii) Threat assessment that identifies circumstances requiring  
21 the YES tip line to alert law enforcement, mental health services, or  
22 other first responders immediately when immediate emergency response  
23 to a tip is warranted; and

24 (iii) Referral and follow-up on tips to schools or postsecondary  
25 institution teams, local crisis services, law enforcement, and other  
26 entities;

27 (b) YES tip line information data retention and reporting  
28 requirements; and

29 (c) Systematic review, analysis, and reporting by the YES tip  
30 line program of YES tip line data including, but not limited to,  
31 reporting program utilization and evaluating whether the YES tip line  
32 is being implemented equitably across the state.

33 (7) The attorney general shall ensure that YES tip line program  
34 personnel are trained in the following areas:

35 (a) Crisis management, including recognizing mental illness and  
36 emotional disturbance;

37 (b) The resources that are available in the community for  
38 providing mental health treatment and other human services; and

39 (c) Other matters determined by the attorney general to be  
40 relevant to the administration and operation of the program.

1 (8) The YES tip line program must develop and maintain a  
2 reference and best practices tool kit for law enforcement and mental  
3 health officials that:

4 (a) Identifies statewide and community mental health resources,  
5 services, and contacts;

6 (b) Provides the attorney general's best practice recommendations  
7 for case investigations involving safety and well-being of youth to:

8 (i) Assist in identifying whether mental illness or emotional  
9 disturbance may be involved; and

10 (ii) Provide strategies for investigators to use in aiding  
11 subjects and their parents or guardians.

12 (9) The YES tip line program must promote and market the program  
13 and YES tip line to youth, families, community members, schools, and  
14 others statewide to build awareness of the program's resources and  
15 the YES tip line. The attorney general may promote the YES tip line  
16 program and YES tip line and provide promotional materials and  
17 information on the attorney general's website.

18 NEW SECTION. **Sec. 3.** (1)(a) The attorney general shall develop  
19 and issue a request for proposals to identify and select a qualified  
20 vendor to operate the YES tip line. The attorney general has sole  
21 authority over the contracting process and the contract award  
22 decision. This subsection does not prohibit the Washington state  
23 patrol or other state or local jurisdiction from submitting a  
24 proposal to operate the YES tip line.

25 (b) Any vendor contracting to perform work necessary to implement  
26 or sustain the YES tip line program must comply with RCW 41.06.142.

27 (2)(a) The YES tip line contract must require the vendor to be  
28 bound by the requirements of this chapter, including the  
29 confidentiality provisions in section 4 of this act.

30 (b) The state of Washington owns the data and information  
31 produced from the YES tip line. The vendor must comply with the  
32 state's data retention, use, and security requirements throughout the  
33 contract and for such additional postcontracting use as directed by  
34 the state.

35 (c)(i) The YES tip line must directly integrate service providers  
36 into its operations so that YES tip line staff may provide a warm  
37 transfer of a caller to a service provider to assist them.

38 (ii) The YES tip line operator must collaborate with school  
39 districts and postsecondary education sectors to determine how to

1 implement the YES tip line and how schools and institutions will  
2 respond when tips are referred. Teams at each school and  
3 postsecondary institutions must be identified and trained by the YES  
4 tip line vendor to respond when they receive a YES tip line referral.

5 (d) The YES tip line must use as many methods of communication  
6 and information formats as possible including, but not limited to,  
7 toll-free telephone or other voice calling, electronic mail, mobile  
8 applications, text messaging, postal mail, photo and video imaging,  
9 and information forwarded through a website as determined by the  
10 attorney general.

11 (e) The YES tip line must be staffed with sufficient personnel  
12 and technical capacity to meet the needs for timely assistance to  
13 persons who contact the YES tip line for assistance 24 hours a day,  
14 365 days a year.

15 NEW SECTION. **Sec. 4.** (1) The identity of the person submitting  
16 a tip is confidential subject to the exceptions provided in this  
17 chapter. Anonymous tips will be accepted if the person submitting the  
18 tip refuses to identify themselves. The YES tip line program must  
19 establish procedures authorizing a breach of confidentiality to trace  
20 the tip so that first responders have necessary information when  
21 there is a specific emergency threat to life.

22 (2) Any report or information submitted to the YES tip line is  
23 confidential, and must not be released except as otherwise provided  
24 in this chapter.

25 (3) The personally identifying information of any person  
26 submitting a tip and the individual or individuals who are the  
27 subject of a tip are not subject to disclosure under chapter 42.56  
28 RCW, the public records act.

29 (4) Any information submitted to the YES tip line and forwarded  
30 by the vendor to a law enforcement official or to a mental health  
31 official is confidential, and must not be released except as  
32 otherwise provided in this chapter. The information is not subject to  
33 disclosure under chapter 42.56 RCW, the public records act.

34 (5) A person who intentionally discloses information to another  
35 person in violation of this section is guilty of a misdemeanor  
36 punishable by imprisonment for not more than 90 days or a fine of not  
37 more than \$500, or both.

38 (6) If a risk assessment of a tip to the YES tip line does not  
39 result in a referral to a service provider, or if a law enforcement

1 investigation concludes that no action is warranted to respond to the  
2 tip, the name of the tip's subject must be expunged from the records  
3 of the entities involved in the YES tip line contact, except as  
4 otherwise provided by law.

5 NEW SECTION. **Sec. 5.** Information regarding a YES tip line  
6 contact, including any personally identifying information, may be  
7 disclosed as follows:

8 (1) By either of the following as necessary for purposes of this  
9 chapter and as necessary to address reports and information received  
10 under this chapter:

11 (a) The vendor and its employees performing their duties  
12 according to the procedures developed by the YES tip line program; or

13 (b) The attorney general, law enforcement agencies, the health  
14 care authority, and community mental health service programs, and  
15 their employees performing their authorized duties. However, this  
16 subsection (1)(b) does not allow the disclosure of information that  
17 would identify the person who submitted the report or information to  
18 the YES tip line;

19 (2) With the permission of the subject of the information or, if  
20 the subject is a minor, with the permission of the minor and their  
21 parent or guardian; or

22 (3) Pursuant to a court order issued under section 6 of this act.

23 NEW SECTION. **Sec. 6.** (1) A person who is charged with a  
24 criminal offense as a result of a YES tip line contact may petition  
25 the court for disclosure of the information from the YES tip line  
26 contact, including any personally identifying information, as  
27 provided in this subsection. The person charged must notify the  
28 prosecuting attorney for the county having jurisdiction and the  
29 attorney general of the petition not less than seven days before the  
30 hearing on the petition, or as otherwise provided by the court. The  
31 attorney general and the county prosecutor have the right to appear  
32 in the proceedings.

33 (2) The court may conduct a hearing on the petition. The court  
34 must review the YES tip line information in chambers outside of the  
35 petitioner's presence. If the court determines that the YES tip line  
36 information is relevant to the criminal proceedings and essential to  
37 a fair trial, the court may order the disclosure of the information.

1 The court may limit the release and use of the information, including  
2 any personally identifying information, in whole or in part.

3 (3) If the prosecuting attorney reasonably believes that the YES  
4 tip line information was falsely provided through the YES tip line,  
5 the prosecuting attorney may petition the court to disclose the  
6 report or information, including any personally identifying  
7 information. The prosecuting attorney must notify the attorney  
8 general not less than seven days before a hearing on the petition, or  
9 as otherwise provided by the court. The attorney general has the  
10 right to appear at the hearing on the prosecuting attorney's  
11 petition. If the court determines a reasonable basis exists to  
12 believe that the information was falsely provided, the court may  
13 order disclosure of the information, including any personally  
14 identifying information. The court may limit the release and use of  
15 the information, including any personally identifying information, in  
16 whole or in part.

17 (4) The attorney general may also appear in any other action to  
18 oppose the release of information obtained under section 2 of this  
19 act through a YES tip line contact, including any personally  
20 identifying information.

21 NEW SECTION. **Sec. 7.** (1) The community mental health safety  
22 fund is created in the custody of the state treasurer.

23 (2) The attorney general may receive money or other assets from  
24 any source for deposit into the fund. The state treasurer shall  
25 credit to the fund interest and earnings from fund investments to the  
26 fund.

27 (3) The attorney general may convert assets which are obtained  
28 for deposit into the fund into cash.

29 (4) Money in the fund at the close of the fiscal year must remain  
30 in the fund and not lapse to the general fund.

31 (5) The attorney general is the administrator of the fund for  
32 auditing purposes.

33 (6) The attorney general may expend money from the fund, upon  
34 appropriation, only:

35 (a) To pay the costs of the attorney general for administering  
36 this chapter;

37 (b) To pay the vendor under the YES tip line operations contract;

1 (c) To market and provide public outreach for the YES tip line  
2 program, including the YES tip line and the program website operated  
3 by the attorney general; and

4 (d) For the YES tip line program's training costs as described in  
5 section 2 of this act.

6 (7) Money shall not be expended for any marketing materials or  
7 promotions that targets a media market in this state and refers to or  
8 uses the image or voice of an elected official, appointed state  
9 employee, state employee governed by a senior executive service  
10 limited term employment agreement, or candidate for elective office.

11 **Sec. 8.** RCW 43.79A.040 and 2020 c 18 s 2 are each amended to  
12 read as follows:

13 (1) Money in the treasurer's trust fund may be deposited,  
14 invested, and reinvested by the state treasurer in accordance with  
15 RCW 43.84.080 in the same manner and to the same extent as if the  
16 money were in the state treasury, and may be commingled with moneys  
17 in the state treasury for cash management and cash balance purposes.

18 (2) All income received from investment of the treasurer's trust  
19 fund must be set aside in an account in the treasury trust fund to be  
20 known as the investment income account.

21 (3) The investment income account may be utilized for the payment  
22 of purchased banking services on behalf of treasurer's trust funds  
23 including, but not limited to, depository, safekeeping, and  
24 disbursement functions for the state treasurer or affected state  
25 agencies. The investment income account is subject in all respects to  
26 chapter 43.88 RCW, but no appropriation is required for payments to  
27 financial institutions. Payments must occur prior to distribution of  
28 earnings set forth in subsection (4) of this section.

29 (4)(a) Monthly, the state treasurer must distribute the earnings  
30 credited to the investment income account to the state general fund  
31 except under (b), (c), and (d) of this subsection.

32 (b) The following accounts and funds must receive their  
33 proportionate share of earnings based upon each account's or fund's  
34 average daily balance for the period: The 24/7 sobriety account, the  
35 Washington promise scholarship account, the Gina Grant Bull memorial  
36 legislative page scholarship account, the Washington advanced college  
37 tuition payment program account, the Washington college savings  
38 program account, the accessible communities account, the Washington  
39 achieving a better life experience program account, the community and



1 technical college innovation account, the agricultural local fund,  
2 the American Indian scholarship endowment fund, the foster care  
3 scholarship endowment fund, the foster care endowed scholarship trust  
4 fund, the contract harvesting revolving account, the Washington state  
5 combined fund drive account, the commemorative works account, the  
6 county enhanced 911 excise tax account, the county road  
7 administration board emergency loan account, the toll collection  
8 account, the developmental disabilities endowment trust fund, the  
9 energy account, the fair fund, the family and medical leave insurance  
10 account, the fish and wildlife federal lands revolving account, the  
11 natural resources federal lands revolving account, the food animal  
12 veterinarian conditional scholarship account, the forest health  
13 revolving account, the fruit and vegetable inspection account, the  
14 educator conditional scholarship account, the game farm alternative  
15 account, the GET ready for math and science scholarship account, the  
16 Washington global health technologies and product development  
17 account, the grain inspection revolving fund, the Washington history  
18 day account, the industrial insurance rainy day fund, the juvenile  
19 accountability incentive account, the law enforcement officers' and  
20 firefighters' plan 2 expense fund, the local tourism promotion  
21 account, the low-income home rehabilitation revolving loan program  
22 account, the multiagency permitting team account, the northeast  
23 Washington wolf-livestock management account, the produce railcar  
24 pool account, the regional transportation investment district  
25 account, the rural rehabilitation account, the Washington sexual  
26 assault kit account, the stadium and exhibition center account, the  
27 youth athletic facility account, the self-insurance revolving fund,  
28 the children's trust fund, the Washington horse racing commission  
29 Washington bred owners' bonus fund and breeder awards account, the  
30 Washington horse racing commission class C purse fund account, the  
31 individual development account program account, the Washington horse  
32 racing commission operating account, the life sciences discovery  
33 fund, the Washington state library-archives building account, the  
34 reduced cigarette ignition propensity account, the center for deaf  
35 and hard of hearing youth account, the school for the blind account,  
36 the Millersylvania park trust fund, the public employees' and  
37 retirees' insurance reserve fund, the school employees' benefits  
38 board insurance reserve fund, the public employees' and retirees'  
39 insurance account, the school employees' insurance account, the long-  
40 term services and supports trust account, the radiation perpetual

1 maintenance fund, the Indian health improvement reinvestment account,  
2 the department of licensing tuition recovery trust fund, the student  
3 achievement council tuition recovery trust fund, the tuition recovery  
4 trust fund, the industrial insurance premium refund account, the  
5 mobile home park relocation fund, the natural resources deposit fund,  
6 the Washington state health insurance pool account, the federal  
7 forest revolving account, (~~and~~) the library operations account, and  
8 the community mental health safety fund.

9 (c) The following accounts and funds must receive eighty percent  
10 of their proportionate share of earnings based upon each account's or  
11 fund's average daily balance for the period: The advance right-of-way  
12 revolving fund, the advanced environmental mitigation revolving  
13 account, the federal narcotics asset forfeitures account, the high  
14 occupancy vehicle account, the local rail service assistance account,  
15 and the miscellaneous transportation programs account.

16 (d) Any state agency that has independent authority over accounts  
17 or funds not statutorily required to be held in the custody of the  
18 state treasurer that deposits funds into a fund or account in the  
19 custody of the state treasurer pursuant to an agreement with the  
20 office of the state treasurer shall receive its proportionate share  
21 of earnings based upon each account's or fund's average daily balance  
22 for the period.

23 (5) In conformance with Article II, section 37 of the state  
24 Constitution, no trust accounts or funds shall be allocated earnings  
25 without the specific affirmative directive of this section.

26 NEW SECTION. **Sec. 9.** (1) The attorney general, in consultation  
27 with the health care authority and the vendor, shall file a report by  
28 July 31st of each year with the governor, the secretary of the  
29 senate, the chief clerk of the house of representatives, the clerk of  
30 the senate standing committee on ways and means, and the clerk of the  
31 house standing committee on appropriations. The attorney general must  
32 post each annual report on its website. The report must include the  
33 following information:

34 (a) The number of YES tip line contacts;

35 (b) The number of YES tip line contacts referred to local law  
36 enforcement;

37 (c) The number of YES tip line contacts referred to mental health  
38 services;

1 (d) The nature of the YES tip line contacts and information  
2 received by the YES tip line by category established by the attorney  
3 general;  
4 (e) The local responses to YES tip line contacts by category  
5 established by the attorney general;  
6 (f) The source of all funds deposited in the community mental  
7 health safety fund;  
8 (g) The attorney general's itemized costs and expenditures to  
9 implement the YES tip line program established in this chapter;  
10 (h) The Washington state patrol's itemized costs and expenditures  
11 to implement the YES tip line program established in this chapter;  
12 (i) The vendor's contributions, costs, and expenditures under the  
13 YES tip line operations contract; and  
14 (j) An analysis of the YES tip line program's overall  
15 effectiveness in addressing potential self-harm, potential harm to  
16 others, or criminal acts.  
17 (2) To the extent authorized by law, any state agency, political  
18 subdivision of the state, or higher education or school entity  
19 possessing data or information needed to produce the annual report to  
20 the governor and legislature must provide the data or information to  
21 the attorney general.

22 NEW SECTION. **Sec. 10.** Sections 1 through 7 and 9 of this act  
23 constitute a new chapter in Title 43 RCW.

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