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**HOUSE BILL 1845**

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**State of Washington 68th Legislature 2023 Regular Session**

**By** Representatives Graham, Mosbrucker, Griffey, and Eslick

AN ACT Relating to creating an office of the crime victims ombuds; adding a new chapter to Title 43 RCW; and providing an expiration date.

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

NEW SECTION. **Sec.**  (1) The office of the crime victims ombuds is created. The department of commerce shall contract with a private, independent nonprofit organization to provide crime victims ombuds services. The department of commerce shall designate, by a competitive bidding process, the nonprofit organization that will contract to operate the ombuds. The selection process must include consultation of stakeholders in the development of the request for proposals and evaluation of bids. The selected organization must have experience and the capacity to effectively communicate regarding crime victims' issues with policymakers, stakeholders, and the general public and must be prepared and able to provide all program and staff support necessary, directly or through subcontracts, to carry out all duties of the office.

(2) The contracting organization and its subcontractors, if any, are not state agencies or departments, but instead are private, independent entities operating under contract with the state.

(3) The governor or state may not revoke the designation of the organization contracted to provide the services of the ombuds except upon a showing of neglect of duty, misconduct, or inability to perform duties. In the event that the designation is revoked, the department of commerce shall contract with another private, independent nonprofit organization to provide crime victims ombuds services.

(4) The department of commerce shall ensure that the ombuds staff has access to sufficient training or experience with issues relating to crime victims and the program and staff support necessary to enable the ombuds to effectively protect the interests of crime victims. The office of the crime victims ombuds shall have the powers and duties to do the following:

(a) Provide information as appropriate on the rights of persons receiving crime victims' services, and on the procedures for providing these services;

(b) Refer crime victims to the appropriate element of the criminal and juvenile justice systems or victim assistance programs, or both, when services are requested by crime victims or are necessary as determined by the ombuds;

(c) Investigate, upon its own initiative or upon receipt of a complaint, acts related to a crime victim alleged to be contrary to the criminal and juvenile justice systems or victim assistance programs, however, the ombuds may decline to investigate any complaint, but must give a reason in writing;

(d) Monitor the procedures as established, implemented, and practiced by the department to carry out its responsibilities in the delivery of services to crime victims;

(e) Recommend changes in the procedures for addressing the needs of crime victims;

(f) Establish procedures to protect the confidentiality of records and sensitive information to ensure that the identity of any complainant or crime victim will not be disclosed without the written consent of the complainant or crime victim, or upon court order;

(g) Maintain independence and authority within the bounds of the duties prescribed by this chapter, insofar as this independence and authority is exercised in good faith and within the scope of contract; and

(h) Carry out such other activities as determined by the department of commerce within the scope of this chapter.

(5) For the purposes of this section, "crime" and "victim" have the same meaning as in chapter 7.69 RCW.

NEW SECTION. **Sec.**  (1) The department of commerce's office of crime victims advocacy shall conduct a survey and analysis of the appropriate placement outside of state government of the office of the crime victims ombuds. The survey required shall ascertain how the contracted placement of the office will most effectively allow it to meet its responsibilities under this chapter. The survey shall include, but is not limited to, a complete assessment of how independently contracting the program outside state government will provide the office with an effective means for resolving complaints and building program accountability.

(2) In completing the analysis, the office of crime victims advocacy shall survey existing crime victim advocacy and service provider agencies regarding how best to increase awareness of the needs of crime victims and better coordinate delivery services. The survey shall further examine whether the established rights of victims, survivors, and witnesses of crimes have led to consistent advocacy on behalf of crime victims within state government.

(3) A draft of the findings shall be submitted to the governor and the legislature by November 30, 2024, and the final findings, conclusions, and recommendations shall be submitted in a report to the governor and the legislature no later than December 30, 2024.

NEW SECTION. **Sec.**  The provisions of this chapter are in addition to and do not in any manner limit or affect any other provisions of law under which any remedy or right of appeal is provided for any person, or any procedure is provided for the inquiry into or investigation of any matter. The powers conferred on the office of the crime victims ombuds may be exercised notwithstanding any provision of law to the effect that any administrative action shall be final or unappealable.

NEW SECTION. **Sec.**  This chapter expires July 1, 2025.

NEW SECTION. **Sec.**  Sections 1 through 4 of this act constitute a new chapter in Title 43 RCW.

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