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**SUBSTITUTE SENATE BILL 5477**

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

**By** Senate Law & Justice (originally sponsored by Senators Torres, Trudeau, Braun, Muzzall, Billig, Boehnke, Conway, Dhingra, Frame, Hasegawa, Hunt, Kauffman, Keiser, Kuderer, Liias, Lovelett, Nguyen, Pedersen, Randall, Saldaña, Salomon, Shewmake, Van De Wege, Wagoner, Warnick, and C. Wilson)

AN ACT Relating to implementing the recommendations of the Washington state missing and murdered indigenous women and people task force; amending RCW 68.50.320; adding a new section to chapter 43.10 RCW; providing an effective date; providing an expiration date; and declaring an emergency.

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

NEW SECTION. **Sec.**  A new section is added to chapter 43.10 RCW to read as follows:

The Washington state missing and murdered indigenous women and people task force is established.

(1) The task force is composed of members as provided in this subsection.

(a) The president of the senate shall appoint one member from each of the two largest caucuses of the senate.

(b) The speaker of the house of representatives shall appoint one member from each of the two largest caucuses of the house of representatives.

(c) The governor's office of Indian affairs shall appoint five representatives from federally recognized Indian tribes in Washington state.

(d) The president of the senate and the speaker of the house of representatives jointly shall appoint the following:

(i) One member representing the Seattle Indian health board;

(ii) One member representing the NATIVE project;

(iii) One member representing Northwest Portland area Indian health board;

(iv) One member representing the American Indian health commission;

(v) Two indigenous women or family members of indigenous women that have experienced gender-based violence;

(vi) One member representing the governor's office of Indian affairs;

(vii) The chief of the Washington state patrol or his or her representative;

(viii) One member representing the Washington state office of the attorney general;

(ix) One member representing the Washington association of sheriffs and police chiefs;

(x) One member representing the Washington state association of counties;

(xi) One member representing the association of Washington cities;

(xii) One member representing the Washington association of prosecuting attorneys; and

(xiii) One representative of the Washington association of criminal defense lawyers.

(e) Where feasible, the task force may invite and consult with any entity, agency, or individual deemed necessary.

(2) The legislative members shall convene the initial meeting of the task force no later than the end of 2023 and thereafter convene:

(a) A minimum of two subsequent meetings annually. The membership shall select the task force's cochairs, which must include one legislator and one nonlegislative member; and

(b) One summit annually.

(3) The task force shall review the laws and policies relating to missing and murdered American Indian and Alaska Native people. The task force shall review current policies and develop recommendations for the purpose of:

(a) Assessing systemic causes behind violence including patterns and underlying historical, social and economic, institutional, and cultural factors which may contribute to disproportionately high levels of violence that occur against American Indian and Alaska Native people and recommending changes to address these systemic causes;

(b) Identifying ways to improve cross-border coordination between law enforcement and federally recognized tribes that share a border with Washington state;

(c) Assessing and recommending improvements to data tracking and reporting practices relating to violence against American Indian and Alaska Native people in Washington state;

(d) Making recommendations and best practices for improving:

(i) The collection and reporting of data by tribal, local, and state law enforcement agencies to more effectively understand and address issues of violence facing American Indian and Alaska Native people;

(ii) Jurisdictional and data-sharing issues on tribal reservation land and urban areas that impact gender-based violence against American Indian and Alaska Native people;

(iii) The collaboration and coordination between law enforcement agencies and federal, state, county, local, and tribal social and health services; and

(iv) Strategies and practices to improve communication and transparency with family members in missing and murdered indigenous women and people cases;

(e) Reviewing prosecutorial trends and practices relating to crimes of violence against American Indian and Alaska Native people in Washington state, identifying disparities, and recommending changes to address such disparities;

(f) Identifying barriers to providing more state resources in tracking and addressing violence against American Indian and Alaska Native people and reducing the incidences of violence;

(g) Assessing and identifying state resources to support programs and services for survivors, impacted family members, and tribal and urban Indian service providers working with American Indian and Alaska Native people who have experienced violence and identifying needs of survivors, impacted family members, and tribal and urban Indian service providers that are not currently being met;

(h) Identifying and making recommendations for increasing state resources for trainings on culturally attuned best practices for working with American Indian and Alaska Native communities for tribal, local, and state law enforcement personnel in Washington state; and

(i) Supporting efforts led by American Indian and Alaska Native people to address this crisis, with the recognition that those personally impacted are already doing critical work to address the impacts of the missing and murdered indigenous women and people crisis in communities and that community-led work must be centered in order to identify and fully address the scope of the issue.

(4) The task force, with the assistance of the Washington state office of the attorney general, must consult with federally recognized tribes in Washington state and in states bordering Washington state, and engage with urban Indian organizations to submit a status report including any findings, recommendations, and progress updates to the governor and the appropriate committees of the legislature by August 1, 2023, by August 1st each year thereafter, and a final report by June 1, 2025.

(5)(a) The office of the attorney general administers and provides staff support to the task force, organizes the summit required under subsection (2)(b) of this section, and oversees the development of the task force reports required under subsection (4) of this section. The task force and the office of the attorney general shall conduct eight site visits in different locations across the state in collaboration with tribes and native-led organizations. The office of the attorney general may contract for the summit.

(b) The office of the attorney general may, when deemed necessary by the task force, retain consultants to provide data analysis, research, recommendations, training, and other services to the task force for the purposes provided in subsection (3) of this section.

(c) The office of the attorney general may share and exchange information received or created on behalf of the task force with other states, federally recognized Indian tribes, urban Indian organizations, and other national groups working on missing and murdered indigenous women and people issues.

(d) The office of the attorney general must coordinate with the task force to create and update a missing and murdered indigenous women and people resource. The resource must include:

(i) Instructions on how to report a missing indigenous woman or person;

(ii) General information about the investigative processes in missing and murdered indigenous women and people cases;

(iii) Best practices for family members in missing and murdered indigenous women and people cases when working with law enforcement; and

(iv) Other useful information and resources.

(6) Legislative members of the task force are reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members are not entitled to be reimbursed for travel expenses if they are elected officials or are participating on behalf of an employer, governmental entity, or other organization. Any reimbursement for other nonlegislative members is subject to chapter 43.03 RCW.

(7) To ensure that the task force has diverse and inclusive representation of those affected by its work, task force members whose participation in the task force may be hampered by financial hardship may apply for a stipend in an amount not to exceed $100 for each day during which the member attends an official meeting of the task force or performs statutorily prescribed duties approved by the office of the attorney general. A person shall not receive compensation for a day of service under this section if the person:

(a) Occupies a position, normally regarded as full-time in nature, in any agency of the federal government, Washington state government, or Washington state local government; and

(b) Receives any compensation from such government for working that day. The office of the attorney general, by staffing the task force, is authorized to assess eligibility for the stipend as limited by available financial resources.

(8) This section expires June 30, 2025.

**Sec.**  RCW 68.50.320 and 2022 c 251 s 5 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; and (5) enter the case into the national missing and unidentified persons system. Upon knowledge from the national crime information center system, the Washington state patrol's crime information center, or similar or subsequent authority, that a person in custody at a jail, or being released from custody, is the subject of a missing person's report, the jail shall notify the agency of original jurisdiction for the missing person's report.

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.

NEW SECTION. **Sec.**  This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect June 1, 2023.

**--- END ---**