

## LEGISLATIVE SESSION SUMMARY 2008

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***March 18, 2008***

Here is our final legislative update from Olympia for 2008. This state legislative session was a supplemental budget year, meaning the Legislature made some changes to the 2007-2009 operating budget passed last year. The 2008 legislative session resulted in some exciting successes with respect to WSCADV's top legislative priorities. The Legislature adjourned on March 14<sup>th</sup> after approving the operating and transportation budgets as required by law. Following is a summary of the status of various bills that WSCADV followed during this legislative session.

### ***State Budget/Funding***

#### **HB 2687, 2765, SB 6378, SB 6461 – Supplemental operating and capital budgets**

The final supplemental budgets maintain funding levels for domestic violence shelter and advocacy programs, as well as funding for civil legal services. One of the highlights of the capital budget is that it adds another \$50 million to the Housing Trust Fund, which is a primary source of funding for building domestic violence shelters and transitional housing. The budget also adds \$2.5 million for the Transitional Housing Operations and Rental program (THOR), \$6 million for the Homeless Families Services Fund, \$750,000 to the Office of Crime Victims' Advocacy to contract with prosecuting attorneys' offices to support victim-witness services in each county, \$6.2 million to begin implementing the Family Medical Leave Insurance program that was passed in 2007, and \$800,000 to begin implementation of the Washington State Family and Juvenile Court Improvement plan.

**Status:** Awaiting review and signature by the Governor.

### ***Legislation supported by WSCADV that passed***

#### **Economic Security**

#### **HB 2602 / SB 5900 – Increasing Victim Safety by Ensuring Leave from Employment**

**Prime Sponsors:** Representative Lynn Kessler and Senator Debbie Regala

This bill protects victims of domestic violence, sexual assault or stalking from being

terminated from employment or having their employment benefits reduced when they take time off from work to protect themselves or immediate family members from harm (by doing such things as going to court for a PO or other court proceedings, seeking medical care or counseling). The legislation covers employers of all sizes in Washington State, and provides for leave that is "reasonable" to address domestic violence, sexual assault, and stalking. The law will go into effect when the Governor signs the legislation.

**Status:** HB 2602 is awaiting the Governor's signature.

## **HB 2946 / SB 6500 – Authorizing Leave Sharing for Victims of Domestic Violence, Sexual Assault, and Stalking who are State Employees**

**Prime Sponsors: Senator Tracy Eide and Representative Marylou Dickerson**

Washington state employees who have unused leave time are authorized to donate their leave to the shared leave program for other employees who need to take leave to address domestic violence, sexual assault, or stalking.

**Status:** SB 6500 is awaiting the Governor's signature.

### **Protective Orders**

## **SHB 2563 / SB 6357– Clarifying Service of Process of Protection Orders**

**Prime Sponsors: Senator Jeanne Kohl Welles and Representative Dave Upthegrove**

This bill clarifies that if a petitioner in a protection order action cannot obtain personal service of the order (setting the date for the permanent protection order) after two attempts, the court shall allow the petitioner to attempt service by mail or publication, unless the petitioner requests additional time to attempt personal service. The bill also specifies the process that must be followed regarding serving the other party when petitioning to modify a protection order.

**Status:** SB 6357 is awaiting the Governor's signature.

### **Housing and Homelessness**

## **SB 5959 – Providing Assistance to Homeless Individuals and Families**

**Prime Sponsor: Senator Jim Hargrove**

This bill provides grants to eligible organizations serving homeless families and individuals for rental assistance, case management services, operating expenses of transitional housing facilities, and administrative costs. The bill makes the THOR (Transitional Housing, Operating and Rent) program a permanent, stand-alone program in state law, rather than having to renew each year as a budget request, and expands eligibility to cover low-income individuals without children.

**Status:** Awaiting the Governor's signature.

## **HB 2684 / SB 6335 – Increasing the Homeless Families Services Fund**

**Prime Sponsors: Representative Don Barlow and Senator Margarita Prentice**

These bills increase funding for the Homeless Families Services Fund by \$6 million. The House bill also codifies the Homeless Families Services Fund as an account in the State Treasury that will allow for ongoing funding.

**Status:** The Governor signed SB 6335 into law on February 6, 2008.

### **Civil Rights**

## **HB 3104 / SB 6716 – Expanding Rights and Responsibilities for Domestic Partnerships**

**Prime Sponsors: Representative Jamie Pedersen and Senator Ed Murray**

This bill clarified various legal rights and obligations for those who have entered into registered domestic partnerships in Washington State. With respect to issues facing domestic violence survivors, the legislation clarified that procedures relating to dissolutions, parenting plans, and child support apply to domestic partners. In addition, the legislation reinforced that state-funded domestic violence shelters are available to victims of domestic violence in domestic partnerships, and domestic partners are included in the definition of “family and household member” for the purposes of Washington’s domestic violence statute.

**Status:** The Governor signed HB 3104 on March 12, and it takes effect on June 12, 2008.

### **Privacy**

## **SHB 1031 – Relating to Electronic Communication Devices**

**Prime Sponsor: Representative Jeff Morris**

Radio Frequency Identification (RFID) is a tagging and tracking technology that uses tiny electronic devices, called tags or chips, that are equipped with antennae. Passive RFID chips receive the electrical power to send the information they contain to the reader, from the electromagnetic field emitted by the reader itself. This bill makes it a crime to scan another person’s face or radio frequency identification device (RFID) without that person’s prior knowledge or consent, for the purpose of fraud, identity theft, or another illegal purpose.

**Status:** Awaiting the Governor’s signature.

## **HB 2479 – Requiring Subscribers’ Consent to Disclose Wireless Phone Numbers**

**Prime Sponsor: Representative Dawn Morrell**

This bill provides that directory providers may not include a wireless number in any directory, unless the number’s subscriber has expressly opted in or the provider undertook a reasonable investigation and was unable to determine whether the number

was a wireless number or a land line. Providers of reverse number search directories must allow subscribers to opt out of being included in the reverse search directory. Directory providers may be fined up to \$50,000 for a violation. Note: **SB 6374/HB 2702**, introduced by Senator Oemig and Representative Rodne, did not pass, but many of the provisions were similar.

**Status:** Awaiting the Governor's signature.

## ***Legislation supported by WSCADV that failed***

### **Economic Justice**

#### **HB 2896 – Increasing Public Assistance Grants to Account for Cost of Living**

**Prime Sponsor: Representative Jeannie Darneille**

This bill directs DSHS to annually increase general assistance and TANF grant levels to recipients of the program at a rate equal to the annual percentage increase in the consumer price index for all urban consumers as reported by the Bureau of Labor Statistics of the U.S. Department of Labor.

#### **HB 2897– Revising Resource Limits for Public Assistance for the Purpose of Removing Barriers to Obtaining and Maintaining Employment**

**Prime Sponsor: Representative Jeannie Darneille**

HB 2897 would modify the existing law pertaining to asset limits (DSHS may designate resources that an applicant for public assistance may retain and not be ineligible for public assistance because of such resources). The bill would exempt motor vehicles, other than a motor home (current vehicle asset limit is \$5,000); all other resources would not exceed the limit set by DSHS and required in order to be consistent with limitations on resources and exemptions necessary for federal aid assistance.

### **Criminal Law**

#### **ESHB 2191 – Limiting Deferred Prosecution in Domestic Violence Cases**

**Prime Sponsor: Representative Pat Lantz**

This bill would have provided specific guidelines for deferred prosecution in domestic violence cases, specifying that defendants are not eligible for deferred prosecution unless they admit the facts alleged in the police report and acknowledge the need for perpetrator treatment.

#### **HB 2764/SB 6422 – Adding Domestic Violence Court Order Violation to the List of Offenses Eligible for Notification**

**Prime Sponsors: Representative Al O'Brien and Senator Jim Hargrove, by request of the Department of Corrections**

Current law provides that the Department of Corrections (DOC) is required to send written notice of parole, release, community custody, work release placement, furlough, or escape, to certain persons, including law enforcement and the victim, if requested, at least 30 days in advance. This notice requirement applies to offenders convicted of a violent offense, a sex offense, or felony harassment. This bill would have added violations of certain protection orders to the list of offenses eligible for notification by the Department of Corrections.

### **Protective Orders**

#### **SHB 2836 – Protecting Animals from Domestic Violence Perpetrators**

**Prime Sponsor: Representative Brendan Williams**

Would allow a court, when issuing a domestic violence protection order, to order that the respondent stay away from, and not threaten or harm, any animal owned, possessed, leased, kept, or held by the petitioner, respondent, or their minor children. The bill would also allow the court to designate who is granted the exclusive care, custody, or control of an animal. This bill was amended to clarify that violence or harm to an animal, or interfering with the petitioner's efforts to obtain an animal, in violation of a protection order is a misdemeanor.

### **Family Law**

#### **SB 6721 – Creating a Guardian ad Litem Task Force**

**Prime Sponsor: Senator Debbie Regala**

This bill would have created a joint legislative task force on guardians ad litem (GALs) in cases under Titles 13 and 26 to review: (1) whether it is feasible and desirable to establish statewide standards for fees and costs for services performed by GALs; (2) the GAL training curriculum currently used by AOC and whether requiring specialized training for cases involving special needs children is appropriate; (3) applicable federal laws impacting GALs; (4) exceptions to appointment of GALs in dependency cases; (4) court oversight of the qualifications and performance of GALs; (5) whether statewide standards for grievance and removal provisions of GALs should be established; (6) whether statewide standards for non-attorney GALs should be established; (7) the feasibility and desirability of establishing statewide model protocols to be used by GALs in cases involving limiting factors in dissolution cases; and (8) any other issues deemed relevant to the Task Force.

### **Child Welfare**

#### **HB 2520 and SB 6276 – Child Welfare and Domestic Violence**

**Prime Sponsors: Representative Shay Schual Berke and Senator Jeanne Kohl-Welles**

These bills would create a pilot program within DSHS to co-locate a community-based domestic violence advocate in child welfare offices to support victims of domestic violence who are involved with the child welfare system. The House bill designated one

pilot site and control site, and the Senate bill designated pilot sites in two communities.

## ***Other Legislation of Interest***

### **SB 6809 / HB 3234 – Providing a Tax Exemption for Working Families Measured by the Federal Earned Income Tax Credit**

**Prime Sponsors: Senator Craig Pridemore and Representative Tami Green**

Provides a state sales tax exemption, in the form of refund or rebate, equal to a percentage of the federal Earned Income Tax Credit (EITC) for working families, to be administered by the Department of Revenue. The bill provides that in 2009 and 2010, the remittance equals the greater of 5 percent of the prior year's EITC or \$25; in 2011 and thereafter, the remittance equals the greater of 10 percent of the prior year's EITC or \$50.

**Status:** Awaiting the Governor's signature.

### **HB 1421, SB 5409 – Regarding the Address Confidentiality Program**

**Prime Sponsors: Representative Tami Green and Senator Darlene Fairley, by request of Secretary of State**

These bills would add a definition for "stalking" to the law establishing the Address Confidentiality Program (ACP), change the address requirements and terms for changing one's address for ACP participants, establish the standards for releasing an ACP participant's records pursuant to court order, and clarify that if an ACP participant designates that his or her abuser is a law enforcement employee, that the participant's records are only available pursuant to court order.

**Status:** HB 1421 was signed by the Governor on March 14, and will take effect June 12, 2008.

### **SB 6328 / HB 2648 – Enhancing Campus Security**

**Prime Sponsors: Senator Jeanne Kohl-Welles and Representative Deb Wallace**

This bill requires that each college make available to students, faculty, and staff a campus safety plan with specified information, including issues such as: their policies relating to preventing and responding to violence and other campus emergencies; campus weapons policies; policies governing student privacy; information about: sexual assault, domestic violence, and stalking (including contact information for campus and community victim advocates); information on where to view or receive campus policies on complaints; name and contact information of the individual or office to whom students and employees may direct complaints of sexual assault, stalking, or domestic violence; information on sexual harassment, including contact information for campus and community victim advocates, information on where to view or receive campus policies on complaints, and the name and contact information of the individual

or office to whom students and employees may direct complaints of sexual harassment; and information relating to mutual assistance arrangements with state and local police.

**Status:** Awaiting the Governor's signature.

## **SB 6438 – Regarding High-Speed Internet Services and Community Technology Opportunities**

**Prime Sponsor:** Senator Jeanne Kohl-Welles

Requires the Department of Information Services (DIS) to report to the Legislature by December 2008 on options for developing and implementing a statewide high-speed internet deployment and adoption strategy. During the process, **SB 6775** was incorporated in part into *E2SSB 6438*, which requires Washington State University Extension to administer a Community Technology Opportunity Program and Opportunity Account to provide training and assistance for low-income and under-served residents on use of information and communication technologies.

**Status:** Awaiting the Governor's signature.

## **SB 6747 – Designating Residential Time in Parenting Plans**

**Prime sponsor:** Senator Jim Kastama

This bill would set out a standard court order relating to designating residential time in parenting plans, specifying that during the first, third, and fifth weeks of the month, the child shall reside with the minority residential parent from Thursday after school or work, whichever is pertinent, until the following Monday morning, at which time the child shall be taken by the minority residential parent to school, child care, or the majority residential parent's home, as well as specifying how vacations and holidays would be allocated. There would be an exception to this standard order when the minority residential parent's work schedule or residence location dictates that a different residential time schedule be entered.

**Status:** This bill failed to receive a hearing during the legislative session.

To review a more detailed summary of issues WSCADV worked on during the 2008 Legislative Session, see our previous Legislative Updates at: <http://www.wscadv.org/Legislative/index.htm>. To view the full text of new laws or legislation, go to the Washington State Legislature webpage at [www.leg.wa.gov](http://www.leg.wa.gov) and enter the bill number in the "Bill Search" section.

*For more information on these and other Washington State Legislative issues, email: **action (at) wscadv.org**.*