WASHINGTON STATE COALITION AGAINST DOMESTIC VIOLENCE

FINAL LEGISLATIVE REPORT

APRIL 27, 2005

Here is our final legislative report from Olympia for 2005. This state legislative session proved to be a difficult one, with the Legislature facing over a $2.3 billion shortfall for the 2005-2007 operating budget. The Legislature adjourned on April 24th after approving the operating and transportation budgets as required by law. Following is a summary of the status of WSCADV's legislative priorities for the 2005 legislative session.

State Budget/Funding

ESSB 6090 – OPERATING BUDGET HIGHLIGHTS

- ❑ Reduces funding for domestic violence legal advocacy programs by about $350,000 during FY 2006-2007.
- ❑ Increases Civil Indigent Legal Services by approximately $3 million for FY 2006-2007
- ❑ Reduces funding for the General Assistance-Unemployable (GAU) program by $18 million for the biennium
- ❑ Reduces the Temporary Assistance for Needy Families (TANF/WorkFirst) budget by over $50 million

Status: Passed the Legislature on April 24, 2005; awaiting review and signature by the Governor.

ESSB 6094 – CAPITAL BUDGET

The Capital Budget makes appropriations for construction and building. A large portion of the Capital Budget is the Housing Trust Fund, the largest public funding source for the creation of affordable homes for low-income families and individuals, which includes a set-aside to build domestic violence shelter or transitional housing.

- ❑ The final Capital Budget sets aside $100 million for the Housing Trust Fund with a $1 million set-aside for domestic violence shelters and transitional housing.
- ❑ Appropriates funding for certain community projects, including Abused Deaf Women's Advocacy Services.

Status: Awaiting review and signature by the Governor.

ESHB 1314 – Creating the Domestic Violence Prevention Account

Prime Sponsor: Representative Mary Lou Dickerson

- ❑ The final bill provides for a $30.00 increase in filing fees for dissolutions, legal separations, and declarations of invalidity of marriage to be deposited in a newly created "Domestic Violence Prevention Account" in the DSHS budget, to increase

funding for non-shelter based domestic violence services, including services for underserved communities and children who have witnessed domestic violence.
- ❑ Provides that $6.00 collected from the dissolution fees be retained in the county in which they were collected to support community-based domestic violence programs.

Status: Awaiting the Governor's signature.

Legislation supported by WSCADV that passed

Housing

ESHB 2163 – PREVENTING AND ENDING HOMELESSNESS IN WASHINGTON STATE
Prime Sponsor: Representative Timm Ormsby

- ❑ Creates the Homeless Housing Program to be administered by DCTED, which would create a homelessness strategic plan and develop a statewide homeless census count.
- ❑ Requires each local government to create homeless housing advisory councils, and add an additional $2 to recording fees to generate funding to support homeless housing projects.
- ❑ Prohibits local governments and housing providers from disclosing any personal identifying information about domestic violence survivors, and prohibits local governments from asking housing providers to disclose such personally identifying information about individuals who might be domestic violence victims.

Status: Awaiting the Governor's signature.

SB 5767 – DEVELOPING PLANS TO ADDRESS THE HOUSING NEEDS OF HOMELESS PERSONS
Prime Sponsor: Senator Rosemary McAuliffe

- ❑ Requires each county to create a task force to develop a ten-year plan addressing short- and long-term housing for homeless persons and to establish guidelines for emergency shelters, short-term housing needs, temporary encampments, supportive housing for chronically homeless persons, and long-term housing.

Status: Awaiting the Governor's signature.

Family Law

SHB 1171 – LIMITING THE COURT'S DISCRETION CONCERNING DENIAL OF DISSOLUTION DECREES
Prime Sponsor: Representative Mary Lou Dickerson

- ❑ Prohibits courts from using a party's pregnancy as a basis for denial when considering a request for dissolution of a marriage.

Status: On 4/14, this bill was signed into law by the Governor; it takes effect 7/24/05.

Economic Justice

SSB 5213 (HB 1190) – SUPPORTING LONG TERM SUCCESS OF FAMILIES WITH CHILDREN BY REMOVING BARRIERS TO TEMPORARY ASSISTANCE FOR NEEDY FAMILIES (TANF) AND THE WORKFIRST PROGRAM

Prime Sponsors: Senator Dale Brandland and Representative Eric Pettigrew

Provides that the state will opt out of one of the federal restrictions to Temporary Assistance for Needy Families (TANF) and allow individuals who would have been ineligible to receive TANF benefits (through WorkFirst) because of a drug-related felony conviction, or lack of drug assessment or treatment, would now be eligible to receive these benefits.

Status: Awaiting the Governor's signature.

EHB 2255 – MAKING ADJUSTMENTS TO IMPROVE BENEFIT EQUITY IN THE UNEMPLOYMENT INSURANCE SYSTEM

Prime Sponsor: Representative Steve Conway

- ❑ Restores "liberal construction" or interpretation of the unemployment compensation law in favor of the unemployed worker.
- ❑ Restores averaging of the unemployed worker's two highest paid quarters in determining benefit level.
- ❑ Establishes legislative taskforce on unemployment insurance equity.

Status: Signed by the Governor on April 22, 2005 and took effect immediately.

SB 5993 (HB 2137) – PROVIDING ADDITIONAL FUNDING FOR CRIME VICTIMS' COMPENSATION

Prime Sponsors: Senator Margarita Prentice and Representative Helen Sommers

Provides a supplemental appropriation of $3,627,000 to the Department of Labor for costs incurred by the Crime Victims fund during the 2004 biennium.

Status: Signed by the Governor on March 28, 2005 and took effect immediately.

Victim Confidentiality

SHB 1185 – PROHIBITS DISCLOSURE OF PRIVATE WIRELESS NUMBERS

Prime Sponsor: Representative Dawn Morrell

- ❑ Provides that wireless telephone companies must obtain written opt-in consent from a subscriber before publishing their wireless phone number in a directory.

- ❑ Provides for a civil legal action against a telephone company who violates the laws relating to disclosure of wireless phone numbers.

Status: Awaiting the Governor's signature.

Anti-Trafficking in Persons

SB 5127 – IMPROVING SERVICES TO VICTIMS OF HUMAN TRAFFICKING
Prime Sponsor: Senator Jeanne Kohl-Welles

Provides for coordination of services by various state agencies, in order to develop protocols for improved services to victims of trafficking.

Status: Awaiting the Governor's signature.

Legislation supported by WSCADV that failed

Victim Confidentiality

HB 2122 - PROTECTING CONFIDENTIALITY OF DOMESTIC VIOLENCE INFORMATION

- ❑ Provides legal privilege for domestic violence victim advocates.
- ❑ Clarifies how and when domestic violence programs may share information about victims who have received services.
- ❑ Prohibits the Department of Social and Health Services from releasing information as to whether individuals are receiving services, if doing so would place victims at risk.
- ❑ Requires the Department of Social and Health Services to establish guidelines about how to share information it possesses regarding domestic violence victims.

Status: Failed to pass out of the House Judiciary Committee.

Law Enforcement Response

SB 5647 – LIMITING THE AUTHORITY OF PEACE OFFICERS TO ENFORCE FEDERAL IMMIGRATION LAWS

Prime Sponsor: Senator Adam Kline

- ❑ Restricts local law enforcement agencies from enforcing federal civil immigration laws, and restricts law enforcement from singling out individuals for scrutiny based solely on country of origin, religion, ethnicity, or immigration status.
- ❑ These restrictions do not apply if the officer has reasonable suspicion to believe that the person re-entered the country without permission after the person was convicted of a felony in the United States, and left the United States.
- ❑ When required by federal law, the Washington officer may also cooperate with federal immigration authorities.

Status: Failed to pass out of Senate Judiciary Committee.

SB 5648 – LIMITING THE AUTHORITY OF LAW ENFORCEMENT TO INQUIRE ABOUT IMMIGRATION STATUS OF CRIME VICTIMS AND WITNESSES

Prime Sponsor: Senator Adam Kline

This bill would prohibit local law enforcement agencies from inquiring about the immigration status of victims and witnesses of crime.

Status: Failed to pass out of Senate Judiciary Committee.

Legislation opposed by WSCADV that failed

Housing

SB 5905 – PROVIDING FOR IMMEDIATE EVICTION FROM RENTAL HOUSING FOR CERTAIN CRIMINAL ACTIVITY

Prime Sponsor: Senator Joyce Mulliken

Creates a procedure for landlords to immediately evict tenants involved in criminal activity.

Status: This bill failed to pass out of the Senate Financial Services, Housing and Insurance Committee.

Family Law

SB 5350 – RELATING TO SHARED PARENTAL RESPONSIBILITY

Prime Sponsor: Senator Jim Kastama

Creates a presumption that shared parental responsibility is in the best interests of minor children, unless in establishing a parenting plan: (1) The parents have agreed to an award of residential placement or decision-making authority to only one parent; or (2) the court finds that shared parental responsibility would be detrimental to the child or children.

Status: This bill failed to receive a hearing this session.

Criminal Law

HB 2087 – RELATING TO VACATION OF MISDEMEANOR CONVICTIONS

Prime Sponsor: Representative Pat Lantz

Allows for the vacation of more than one DV misdemeanor and gross misdemeanor conviction. Current law allows an individual to vacate a DV conviction from his or her record after five years following completing the terms of one's sentence, but no subsequent convictions. This bill allows for subsequent vacations.

Status: This bill failed to pass the House Judiciary Committee.

Other Highlights

Protective Orders

SB 5718 – FINANCIAL SUPPORT AND PROTECTIVE ORDERS
Prime Sponsor: Senator Jim Hargrove

- This bill provides that a protection order court may provide for financial assistance by referring the individual in need of financial support to DSHS, and expands the diversion assistance program within DSHS, allowing for individuals who have received a referral from a court issuing a protection order to obtain a one-time grant for up to $1,500.00 upon a showing there is no access to resources.
- Provides that DSHS may seek reimbursement of such payment from the respondent in the protection order.

Status: This bill did not receive a hearing in the Senate Human Services and Corrections Committee.

Child Welfare

SHB 1482 – CHILD ABUSE AND NEGLECT
Prime Sponsor: Representative Mary Lou Dickerson

- Redefines "child abuse and neglect" to include causing harm to, or *presenting a substantial threat of harm* to a child's physical, mental, or cognitive condition or development.
- A substitute version of the bill also provides that if following an investigation of abuse and neglect, DSHS determines that the child's parents, guardians or legal custodians are willing to voluntarily participate in services and treatment, DSHS may agree that the child remain in the home pending the completion of such services. However, if the parents refuse or fail to obtain appropriate treatment or services, DSHS may initiate a dependency proceeding.
- The substitute bill also says that exposure to domestic violence that is perpetrated against someone other than the child does not constitute negligent treatment or maltreatment in and of itself.

Status: This bill failed to pass the House; however, its provisions were **incorporated** as part of **ESSB 5922, which also sets out the DSHS Children's Administration's duties to inform parents about their legal rights in the child welfare system,** and this bill is awaiting the Governor's signature.

Education

SHB 1252 – PROVIDING FOR FAMILY AND CONSUMER SCIENCE EDUCATION

Prime Sponsor: Representative Dave Quall

- Provides that each school district board develop and adopt a family preservation education program curriculum and the state develop a family preservation education program model curriculum that is available to each school district's boards of directors.
- This bill was **amended** to include domestic and dating violence as part of the curriculum.

Status: Awaiting the Governor's signature.

Criminal Law

HB 2154 – PROVIDING ADDITIONAL PROTECTIONS FOR DOMESTIC VIOLENCE VICTIMS

Prime Sponsor: Representative Eric Pettigrew

Provides that in DV criminal cases, the court shall issue No Contact Orders, and require electronic monitoring unless good cause is shown not to.

Status: Failed to pass out of the House Juvenile Justice and Family Law Committee.

To review a more detailed summary of issues WSCADV worked on during the 2005 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 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**.