

# Legislative Session Summary 2017

## Budget Overview

After extending into three special sessions, the legislature was finally able to pass a biennial state operating budget in late July, but failed to agree upon a capital budget before adjourning for 2017. The final operating budget maintains level funding for domestic violence services provided through the Office of Crime Victims Advocacy (OCVA) and Department of Social and Health Services (DSHS). There were several notable budget items potentially relevant for survivors and their communities: 2.5% increase in Temporary Assistance to Needy Families (TANF, “WorkFirst”) and parallel state assistance cash grants beginning in FY 2019; modest additional dollars to address homelessness including youth homelessness, family rapid re-housing, funding for 150 additional permanent supportive housing beds; and, funding for 15 additional legal aid attorneys through the Office for Civil Legal Aid (OCLA).

Detailed information on the 2017 operating budget, as passed, is available [here](#).

If you are interested in additional viewpoints, budget summaries from the [Washington Low Income Housing Alliance](#), [Partners for Our Children](#), and the [Washington State Budget & Policy Center](#) include further detail.

## Legislative Summary

In cases where a particular bill passed, but had a companion bill in the opposite chamber that failed, the failed bill will be listed in strikethrough, e.g. “~~HB 1234~~ / SB 5678”.

Unless otherwise noted, passed bills became Washington State law on July, 23, 2017.

## Legislation supported by WSCADV that passed

**Notifying victims when prohibited persons attempt to purchase firearms (*Protecting law enforcement and the public from persons who illegally attempt to obtain firearms*):** [HB 1501](#) \*This was a WSCADV top priority bill\*

This bill requires firearms dealers to report to the Washington Association of Sheriffs and Police Chiefs (WASPC) all instances where an application for the purchase or transfer of a firearm is denied based on ineligibility. Victims may opt-in to receive notifications through the existing protection order notification system operated by WASPC when respondents prohibited from possessing firearms due to a protection order attempt to purchase them through a dealer. The bill requires the Washington State Patrol (WSP) to incorporate denied firearm transactional information received from WASPC into its electronic

database assessable to law enforcement agencies. The bill also establishes a grant program for local law enforcement agencies to conduct criminal investigations of persons attempting to illegally purchase a firearm.

**Ensuring access to 12 month supply of birth control (*Addressing private health plan coverage of contraceptives*):** [HB 1234](#) / [SB 5554](#)

This bill would require insurers to cover the dispensing of 12 months of birth control at a time.

**Improvements to Sexual Assault Protection Orders:** [HB 1384](#) / [SB 5256](#)

This bill allows for the issuance of permanent Sexual Assault Protection Orders (SAPOs), which are previously limited by statute to a maximum length of two years. This change brings the duration of civil relief available to survivors of sexual violence under a SAPO in line with existing protections available from Domestic Violence Protections Orders.

**Increase in education opportunities for TANF recipients:** [HB 1566](#) / [SB 5347](#)

This bill extends the limit on vocational education training under WorkFirst (TANF) program from 12 months to 24 months.

## Legislation supported by WSCADV that did not pass

**U-Visa Certification Uniformity (*Enhancing victim participation in the criminal legal system*):** [HB 1022](#)

*\*This was a WSCADV top priority bill\**

This bill would have required law enforcement and prosecution agencies to respond within 90 days to requests by victims who have been helpful in an investigation or prosecution of crimes described in the federal Violence Against Women Act (i.e. domestic violence, sexual assault, stalking, child abuse, trafficking, kidnapping) for certification to help them qualify them for a U-visa. It would have required the Criminal Justice Training Commission to develop minimum standards for a course of study on U and T nonimmigrant visas and other legal protections for immigrant survivors. It would have created the Crime Victim Certification Steering Committee to monitor implementation, develop trainings and disseminate information to the public.

This bill passed by House, was heard in policy committee in the Senate, but did not progress further.

**Reauthorizing and Improving Homeless Funding Fees (*Concerning access to homeless housing and assistance*):** [HB 1570](#). *\*This was a WSCADV top priority bill\**

This bill would have secured and increased the amount of document recording fees used to fund homeless and housing assistance for survivors and others across Washington State. It would also have improved access to the funds for nonprofit housing organization and those served by them, as well better aligned data-collection and reporting requirements with federal law.

It would have made the temporary \$40 homeless housing and assistance surcharge permanent and allowed counties to charge and retain additional surcharges for homeless housing and assistance. It would have allowed additional homeless housing and assistance surcharges imposed by counties to be used to pay off general obligation bonds issued by the county for homeless housing and assistance.

It would have created new and updated reporting requirements and studies for certain homeless assistance programs and change the Home Security Fund from an appropriated account to a non-appropriated account.

This bill passed the House, in both regular and second special session, but did not progress further.

**Prohibiting source of income discrimination in rental housing (*Concerning the preservation of housing options for tenants*):** [HB 1633](#) / [SB 5407](#) \*This was a WSCADV top priority bill\*

This bill would have prohibited landlords from discriminating against tenants and applicants (including refusing to lease or rent or expelling a tenant) because of a tenant's source of income (such as housing vouchers or public assistance). It would require landlords found in violation to pay up to triple damages plus court costs and reasonable attorney's fees.

HB 1633 passed out of policy committee in the House, but did not progress further.

SB 5407 had a hearing in policy committee in the Senate, but did not progress further.

**Legal Financial Obligation Reform:** [HB 1783](#)

This bill would have reformed the fines and fees imposed through the criminal justice system, known as Legal Financial Obligations ("LFOs"), by, most notably: reducing the interest assessed to non-restitution LFOs, prioritizing victim restitution, restricting the use of LFOs for indigent defendants as well as non-willful failure to pay, and requiring a study on effectiveness.

This bill passed the House and was subsequently passed out of policy committee in the Senate, but did not progress further during the regular session. During both the first and second special sessions, the House again passed the bill, but no further action was taken in the Senate.

**Mental Health Professionals "Duty to Warn" (*Concerning obligations of mental health professionals*):** [HB 1810](#) / [SB 5800](#)

This bill would have clarified that mental health professionals (including social workers) have a "duty to warn," to take reasonable precautions to provide protection from a patient's violent behavior, *only* if the patient has made an actual threat of physical violence against a reasonably identified victim.

HB 1810 had a public hearing in policy committee in the House, but did not progress further.

SB 5800 passed the Senate, was heard in policy committee in the House, but did not progress further.

**Revising resource limitations for public assistance:** [HB 1831](#)

This bill would have exempt cars used for personal transportation from asset limit calculations, for the purpose of determining eligibility for public assistance.

This bill passed the House and was subsequently passed out of policy committee in the Senate, but did not progress further.

**Death Penalty Repeal:** [HB 1935](#) / [SB 5354](#)

This bill would have eliminated the death penalty in Washington State, substituting the sentence of life without possibility of release or parole in its place.

HB 1935 had a public hearing in the policy committee in the House, but did not progress further.

SB 5353 was not heard in the Senate.

**Concerning the award of fees for limited license legal technicians in certain domestic violence cases:**  
[SB 5213](#)

This bill would have allowed petitioners in domestic violence protection order cases to be eligible to recover fees paid to [limited license legal technicians \(LLLTs\)](#) from a respondent under the same standard that current law allows for the recovery of attorney fees.

This bill was passed out of policy committee in the Senate, but did not progress further.

**Promoting healthy outcomes for pregnant women and infants:** [SB 5299](#)

This bill would have protected pregnant workers by requiring employers to provide reasonable work accommodations during pregnancy, prohibited requiring pregnant workers to take paid or unpaid leave instead of providing reasonable job modifications, and protected pregnant workers from unequal treatment or retaliation for asking for an accommodation. This bill would have also established a 'Health Pregnancy Advisory Committee,' and required hospital policies concerning skin to skin contact and stays for newborns and mothers. This bill would have applied to employers that employ eight or more employees, but not to any non-profit religious or sectarian organizations.

This bill was heard in policy committee in the Senate, but did not progress further.

Legislation [opposed](#) by WSCADV that [passed](#)

None

Legislation [opposed](#) by WSCADV that [did not pass](#)

**Limiting Access for Transgender People (*Allowing the use of gender segregated facilities*):** [HB 1011](#)

This bill would have allowed discriminatory practices limiting the access of transgender persons to gender segregated facilities such as bathrooms and locker rooms, effectively repealing existing Washington State rules allowing persons to use facilities that align with their gender identity.

This bill was not heard.

**Shared parenting (*Concerning parenting plans*): [HB 1554](#)**

This bill would have made a number of changes to custody and visitation statutes restricting the court's authority to order sole decision making, and created new preferences and presumptions towards shared decision making and residential time.

This bill was not heard.

**Paternity disestablishment: [SB 5461](#)**

This bill would have amended current law governing paternity challenges. It would have removed the current four year window, allowing petitions to challenge paternity at any point in a child's life and create a new cause of action allowing civil lawsuits against mothers.

This bill presumed that genetic testing is in the best interest of the child. It would have allowed a petition to challenge paternity if genetic testing shows clear and convincing evidence that the putative father is not the genetic father. It would have relieved the petitioner from future child support obligations where an order determines that the petitioner is not the genetic father.

This bill was passed out of policy committee, but did not progress further.

**Omnibus Homeless Services Reform (*Relating to ending homelessness*): [SB 5656](#), [SB 5864](#)**

These bills would have made a number of changes to the state's homeless services response. Most notably it would have repealed existing law on Homeless Management Information System (HMIS) data collection and required all persons seeking services to submit personally identifying information (PII) and required service providers share this PII with DSHS and law enforcement.

It revised the Homeless Housing and Assistance Act, restructuring the allocation of document recording surcharge fees and extended the increased Homeless and Housing Assistance Act surcharge to 2022.

It would have criminalized unsheltered homelessness under certain conditions, criminalized parents who do not report a missing child within 48 hours, expanded the definition of neglect to include a runaway or unaccompanied homeless child and included additional youth service workers as mandatory reporters. It would have required DSHS to locate unaccompanied homeless children and track specific information. It would have required that by July 2018, the Office of Homeless Youth must provide services to minors separately from adults.

This bill created the presumption that a person is gravely disabled for the purposes of civil commitment if the person is an active heroin user who has been homeless for at least one year.

SB 5656 was heard in policy committee, but did not progress further.

SB 5864 passed out of policy committee, but did not progress further.

## Legislation monitored by WSCADV that passed

### **Concerning domestic violence:** [HB 1163](#)

This bill addresses various provisions in the legal response to domestic violence. First, in sentencing for domestic violence felony offenses, it provides for the counting of two points for each prior conviction of Assault of a Child, Criminal Mistreatment where those offenses involve domestic violence when calculating an offender score. This bill makes a third conviction for domestic violence assault- including both prior misdemeanor and felony assaults a felony. It requires DNA collection from offenders upon conviction for assault in the fourth degree offense when domestic violence was pleaded and proven. It provides that sheriffs may waive fees associated with service of writs of habeas corpus issued for return of a child in circumstances in which the person granted the writ is unable to pay due to poverty. It also creates legislative work groups on risk assessment and offender treatment, respectively.

### **Creating the Department of Children, Youth and Families (DCYF):** [HB 1661](#) / ~~SB 5498~~

This bill creates a new state-level agency charged with oversight of wellbeing of children and youth in Washington State, integrating various functions currently housed in the Department of Social and Health Services (DSHS) Children's Administration, as well as the Department of Early Learning (DEL). Additionally, it creates an Office of Innovation, Alignment, and Accountability within the DCYF with the duty to develop a plan for the establishment of DCYF, as well as the creation of an Oversight Board for Children, Youth and Families established by the Office of Family and Children's Ombuds for the purpose of monitoring and ensuring that the DCYF achieves its stated outcomes. This legislation is a result of final recommendations of the [Governor's Blue Ribbon Commission of Children and Families](#).

The DCYF will take over early learning programs from DEL and child welfare DSHS programs beginning July 2018 and juvenile justice DSHS programs by July 2019.

This bill becomes Washington State law on October, 19, 2017.

### **Crime victim compensation reimbursement rates (*Concerning the crime victims' compensation program*):** [HB 1739](#)

This bill aligns Crime Victim Compensation Program provider reimbursement rates with Worker's Compensation rates, modifies the standards for vehicular compensation, and expands eligibility criteria for accessing lost wages and increase maximum burial costs.

### **Fully repealing mandatory arrest of 16 - 17 year old youth:** [SB 5618](#)

This bill clarifies that mandatory arrest in domestic violence cases only applies if the suspect is 18 years of age or older, removing the exception under which youth 16 - 17 years of age must be arrested upon request of parent or guardian.

**Implementing family and medical leave insurance:** [HB 1116](#) / [SB 5032](#) , [SB 5975](#)

This bill, as passed, makes paid family and medical leave available statewide through the creation of an insurance system similar to unemployment compensation.

The legislation provides paid family leave of up to 12 weeks after the birth or placement of a child, a serious health condition, or for care for a family member with a serious health condition, with an overall limit of a maximum of 18 weeks per year. An employee is required to work 820 to be eligible. Employers are authorized to operate their own equivalent voluntary plans, with some special provisions for small businesses.

HB 1116 passed out of fiscal committee in the House, but did not progress further.

SB 5032 was heard in policy committee in the Senate, but did not progress further.

SB 5975 was introduced during the third special session and passed by both chambers. This bill becomes Washington State law on October 19, 2017.

**Legislation monitored by WSCADV that did not pass**

**Intergenerational Poverty (*Establishing the legislative-executive WorkFirst poverty reduction oversight task force*)** [HB 1482](#) / [SB 5440](#)

This bill would have renamed current Legislative Executive WorkFirst Oversight Task Force, striking “WorkFirst” and substituting the words “Poverty Reduction.” It would have created the Intergenerational Poverty Advisory Committee to advise the current Task Force. The Task Force goals would have been amended to include an explicit focus on halving poverty by 2525, and preventing and addressing adverse childhood experiences (“ACEs”) and trauma of children in poverty.

HB 1482 passed the House, and was passed out of policy committee in the Senate, but did not progress further.

SB 5440 passed out of policy committee in the Senate, but did not progress further.

**Expanding higher education opportunities for certain students:** [HB 1488](#)

This bill would have allowed recipients of U and T visas as well as those immigrants in deferred action stature, to qualify for in-state tuition. It would also have changed the eligibility for some financial aid and scholarship programs, including allowing students receiving Opportunity Scholarship funds who are ineligible for federal student aid to renew their scholarship funds by filing a state financial aid application.



This bill passed out of fiscal committee in the House, but did not progress further.

**Minor consent to HMIS:** [HB 1630](#) / [SB 5625](#)

This bill would have allowed unaccompanied youth age 13 and up to give consent for collection of identifying information being entered into the Homeless Management Information System (HMIS) and the Washington State Homeless Client Information System.

HB 1630 passed the House, was passed out of policy committee in the Senate, but did not progress further.

SB 5625 was heard in policy committee in the Senate, but did not progress further.

**Modifying Custody & Visitation:** [HB 1930](#)

This bill would have made a number of changes to statutes governing nonparent (3rd party) child custody and visitation, added additional factors limiting the rights of visitation of a parent not granted custody, altered the standard of modification or termination of an existing custody order, created a new process for certain “minor modification” of residential schedules, and changed the standard by which nonparents may petition for custody, as well as modification of nonparent orders.

This bill passed the House, but did not progress further.

**Services for incarcerated mothers:** [HB 2016](#)

This bill would have required jails and the Department of Corrections to make reasonable accommodations for midwives or doulas for pregnant incarcerated women or those who have recently given birth.

This bill passed the House, was passed out of policy committee in the Senate, but did not progress further.