

WHAT HAPPENED IN THE STATE LEGISLATURE THIS YEAR?

WSCADV's 2018 Washington
State Legislative Session
Summary

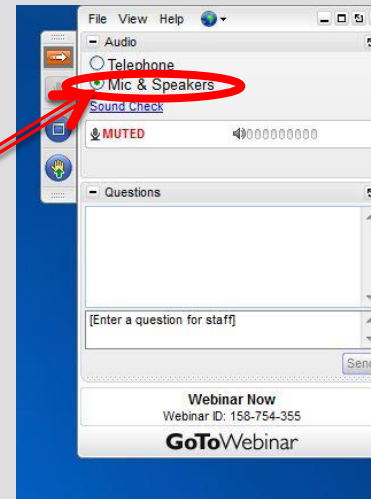
April 4, 2018



WASHINGTON STATE COALITION
WSCADV
AGAINST DOMESTIC VIOLENCE

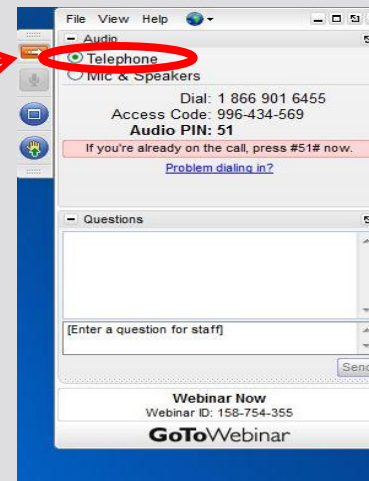
Can you hear us now?

- It's best if you listen through your computer speakers.
(Remember to unmute your speakers.)



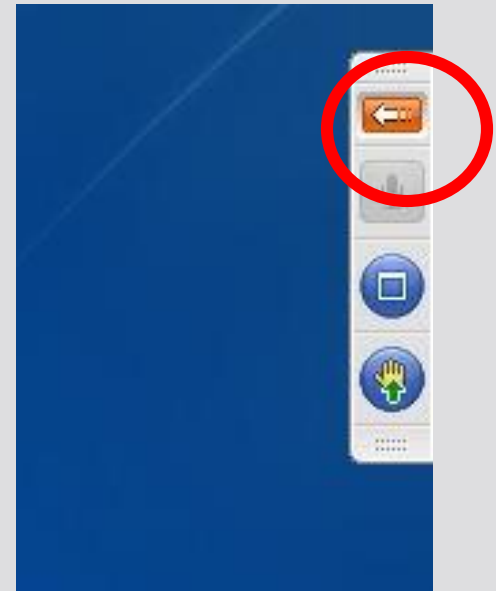
- If that's not working, listen by phone.

- Select the "telephone" option on your control panel.
- Use the #, access code, and audio pin in your window.



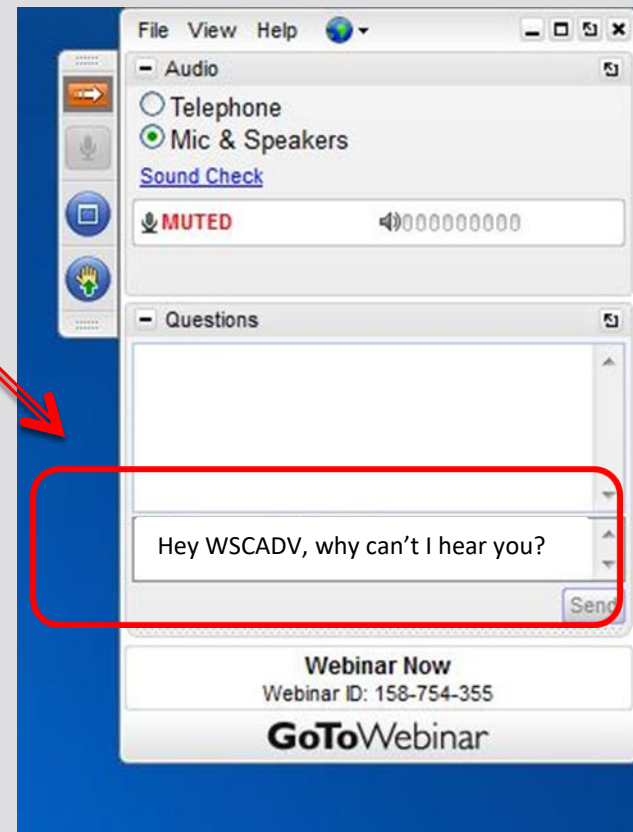
YOUR CONTROL PANEL

- If your panel minimizes to the sides of the screen, click the orange arrow to get it back.



WHEN TO USE THE CHAT BOX

- If you have a question, about either a specific bill, or about a technical problem, please enter it in the chat box at any time.



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PRESENTER

AGENDA

- State legislation in 2018 session
- Domestic violence-related bills that passed this year
- Budget items that passed
- Failed legislation
- Questions?

BACKGROUND

- **2018 is the second year in 2017/2018 biennium**
- **Short (60 day) session**
- **Democratic Control (House & Senate)**
- **Supplementary budget year**



FIND DETAILED INFORMATION ON...

STATE BUDGETS:

[HTTP://LEAP.LEG.WA.GOV/](http://LEAP.LEG.WA.GOV/)

(ENACTED & PROPOSED)

BILLS IN THE STATE LEGISLATURE:

WWW.LEG.WA.GOV/BILLINFO

(CURRENT OR PRIOR YEARS, PASSED OR NOT)

**DV-RELATED BILLS
THAT PASSED THIS
SESSION & SELECTED
ENACTED BUDGET ITEMS**





CRIMINAL-LEGAL

HB 1022: U-VISA CERTIFICATION UNIFORMITY

- *What is a U/T visa?*
 - Immigration relief for victims of certain crimes, created by VAWA in 2000. Adjudicated by federal government (USCIS).
 - Designed to address longstanding fears of immigrant survivors coming forward to report.
 - Application requires certification form signed by certifying agency— usually local law enforcement, prosecutors, judges.
- Third year bill has run.

HB 1022: U-VISA CERTIFICATION UNIFORMITY

■ *What does this bill do?*

- 1) Requires certifying agencies in WA to respond to survivors certification requests w/in 90 days, or 14 days if survivor is subject to removal or eligible children may age-out of eligibility.
- 2) Creates a Crime Victim Certification Steering Committee to monitor implementation and compliance of 1022, develop training for certifying agencies, create & distribute info.
- 3) Requires Criminal Justice Training Commission to collaborate with OCVA & 1022 Committee to develop and adopt minimum standards for a course of study on U & T nonimmigrant visas, other legal protections for immigrant survivors of criminal activity, and promising practices in working with immigrant crime victims.

HB 1783: LEGAL FINANCIAL OBLIGATION (LFO) REFORM

- This bill makes a number of reforms to LFOs (Legal Financial Obligations) imposed through criminal courts, including:
 - eliminates the accrual of interest on non-restitution LFOs (previously 12%);
 - re-prioritizing victim restitution;
 - prohibiting the imposition of LFOs against indigent defendants (codifies *State v. Blazina* (2015) case).
 - “indigent”: receiving certain public assistance; involuntarily committed; or, annual income after taxes 125% of federal poverty.
 - Sanctions for willful failure to pay only.

HB 1298: WA FAIR CHANCE ACT

- This bill prohibits employers from asking about a job applicant's criminal record at initial stages of interview process.
 - Question/inquiry about criminal background may happen only after determination regarding whether applicant is otherwise qualified.
 - Applicant cannot be penalized for failing to disclose criminal background prior to determination of qualification.
- Prohibition on job advertisements that exclude people with criminal records (e.g. “no felons” or “no criminal record”).
- Certain employers exempt (e.g. unsupervised access to children, vulnerable adults; law enforcement; volunteers; etc)

2018 SUPPLEMENTAL BUDGET: CIVIL LEGAL SERVICES FUNDING

- The 2018 supplemental budget also includes over \$750,000 in new money for statewide civil legal services, and;
- an additional \$1 million for a new immigrant legal defense fund.



ECONOMIC SECURITY

HB 2661: PROTECTING SURVIVORS FROM EMPLOYMENT DISCRIMINATION

- This bill makes it illegal for survivors of domestic violence, sexual assault, or stalking to be fired, denied employment, or otherwise discriminated against on the job because of the abuse they have experienced;
- and, requires employers to provide reasonable accommodations for survivors.
 - E.g.: transfer, reassignment, modified schedule, changed work telephone or email, etc. (non-exclusive list in statute)
 - Exception: undue hardship on business operation = “action requiring significant difficulty and expense”
- Modelled on OR law.

HB 1831: ASSET LIMIT REFORM

- This bill revises the asset limits used by DSHS to determine eligibility for certain public benefits, including TANF / WorkFirst.
 - Vehicle value ~~\$5,000~~ → \$10,000
 - “all other resources”:
~~\$1,000, or for TANF up to \$3,000 savings~~ → \$6,000 (for all programs)
- Effective 2/1/2019

2018 SUPPLEMENTAL BUDGET: TANF/ WORKFIRST GRANT AMOUNT INCREASE

- Additional funding in the supplemental budget modestly increases the TANF benefit level for Washington families.
 - 6.8% increase (in addition to already scheduled 2.5% increase)=
TANF grant for family of four: ~~\$613~~ → \$670 monthly
- Also applies to State Family Assistance (SFA provides cash assistance to legal immigrant families, students age 19 to 20, and pregnant women who are ineligible to receive TAN) and Refugee Cash Assistance (RCA provides cash assistance to single and married adults for up to eight months).



HOUSING/HOMELESS SERVICES

HB 2578: SOURCE OF INCOME DISCRIMINATION (SOID)

- This bill prohibits landlords from discriminating (including refusing to lease or rent or expelling a tenant) against tenants and applicants because of a tenant's source of income (such as housing vouchers or public assistance).
- Creates landlord mitigation program to reimburse LLs for certain 'damages', incl. improvements conditional on source of income.

HB 1570: DOCUMENT RECORDING FEES

- This bill secures and increases the amount of document recording fees used to fund homeless and housing assistance for survivors and others across the state.
 - \$40 → \$62 (permanent)
- It would also improve access to the funds for non-profit housing organizations and those served by them, as well better aligning data-collection and reporting requirements with federal law.
 - “private rental housing” definition expanded to allow for non-profit landlords previously excluded. (Just under half of recording fee \$\$ that goes to state must be allocated to fund ‘private rental housing’ under law. ~40% of total fees go to state.)

HB 2538: HOUSING IMPACT FEES

- This bill allows for exemptions from impact fees for new construction of emergency homeless shelters, including DV shelters.
- Impact fees: one-time fees that may be assessed by local governments against development projects.
 - Fees are intended to offset increased demands on public infrastructure (e.g. streets, public spaces, schools) that are anticipated as a result of the development.

2017-19 CAPITAL BUDGET: HOUSING

- \$107 million was included in the capital budget (passed at the beginning of the 2018 session) for the Housing Trust Fund to build and preserve affordable housing.



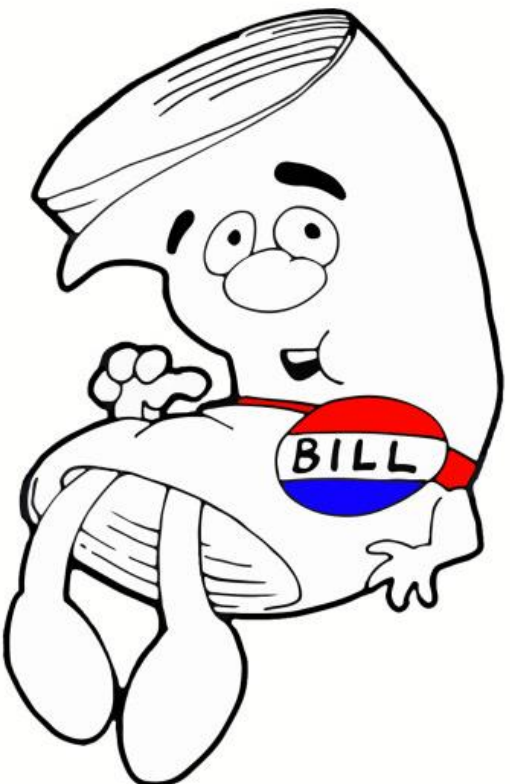
FIREARMS

SB 6298: DV HARASSMENT GUN BAN

- Makes it illegal for persons convicted of domestic violence harassment to purchase or possess firearms.
- *A person is guilty of harassment if the person knowingly threatens a person and by words or conduct, places the person in reasonable fear that the threat will be carried out. In order to constitute harassment, the person must threaten to:*
 - *cause bodily injury to the person;*
 - *cause physical damage to the property of the person;*
 - *subject the person to physical confinement;*
 - *or maliciously do any other act which is intended to substantially harm the person threatened.*

HB 2519: CONCEALED PISTOL LICENSE ELIGIBILITY & RETURN FIXES

- Requires law enforcement agencies to verify that the licensee meets CPL eligibility requirements before returning a seized concealed pistol license (CPL).
 - Aligns CPL policy to protocols on seized firearms.
- Makes persons with extreme risk protection orders, sexual assault protection orders, and stalking protection orders against them ineligible for a CPL.
 - Aligns with existing restrictions triggered by DVPOs.



OTHER BILLS

SB 6408: BODY WORN CAMERAS

- This bill allows increases survivor privacy by making permanent protections in the state Public Records Act designed to prevent body-worn camera footage in domestic violence and sexual assault cases from being disclosed to the public.
 - These privacy exemptions were originally created by legislation in 2016, but were set to expire (“sunset”) if not reauthorized.

HB 2016: MIDWIFERY AND DOULA SERVICES FOR INCARCERATED WOMEN

- **This bill requires jails and the Department of Corrections to make reasonable accommodations for midwife and doula services to inmates who are pregnant or have recently given birth.**

**SELECTED BILLS THAT
DID NOT PASS THIS
SESSION**



BILLS THAT DIDN'T PASS

- **HB 2542:** Allowing for the filing of ex parte temporary DVPOs outside of court hours w/ law enforcement assistance.
- **HB 2361:** Providing immunity from prosecution for the crime of Prostitution for persons seeking emergency assistance in certain circumstances.
- **HB 2254:** Changed the name of the crime of “Cyberstalking” to “Cyber Harassment” narrows the elements of the offense to avoid potential Constitutional concerns. This bill also expands the crime of Stalking to prohibit electronic surveillance.
- **HB 2371 / SB 6503:** Required the Department of Social and Health Services (DSHS) to pass through a portion of child support collections for families receiving assistance under the Temporary Assistance for Needy Families (TANF) program.

BILLS THAT DIDN'T PASS (CONT'D)

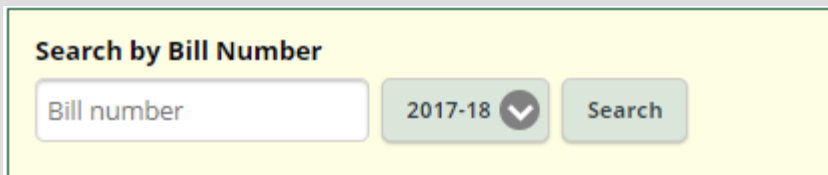
- **HB 2376:** This bill raises the minimum age of marriage to 17, removing provisions in current law that allow marriage under the age of 17 in certain circumstances.
- **HB 2820:** This bill creates a stakeholder task force regarding abuse, harassment, and healthy relationships in the workplace.
- **HB 2509:** This bill, as originally drafted, created a new mandatory civil fine for negligent failure to report and created new criminal liability for 'obstruction' of mandatory reporting of child abuse and neglect. As amended on the House floor, this bill: lowers the penalty for failure to report under current law from gross misdemeanor to simple misdemeanor, but preserves the gross misdemeanor penalty for the new obstruction of reporting crime; and, makes the new civil fine for negligent failure to report discretionary.

BILLS THAT DIDN'T PASS (CONT'D)

- **SB 6292:** This bill changes existing state law definitions of electronic offender monitoring (such as GPS monitoring) to allow for technology with victim notification capability, and requires the Administrative Office of the Courts (AOC) to contract with provider of electronic monitoring that can provide victim notification and, if funds are allocated, create a fund to pay for such monitoring if the offender is unable to.
- **HB 2465:** Current law requires that in order for the crime of Rape in the third degree to have occurred, lack of consent needs to be 'clearly expressed by the victim's words or conduct.' This bill changes the consent requirement so that a person commits Rape in the third degree when, under circumstances not constituting Rape in the first or second degrees, such person engages in sexual intercourse with another person: where the victim did not consent to sexual intercourse with the perpetrator; or where there is threat of substantial unlawful harm to the property rights of the victim.

FAQ

- **Q: *When will these bills become law / take effect?***
 - A: June 7, 2018 (90 days after the end of session)*
 - *Legislation can specify a different effective date in the bill text.
- **Q: *Why did so many bills pass this year – I thought it was supposed to be a ‘short year’?***
 - A: Educated guess? Combination of factors...
- **Q: *Where can I learn more about a bill? (e.g. who supported, who opposed, what the votes were)***
 - A: app.wa.leg.wa.gov/billinfo/ “Search by Bill Number”



Search by Bill Number

Bill number

2017-18

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QUESTIONS?