

# HOUSE BILL REPORT

## HB 2734

---

*As Reported By House Committee on:  
State Government*

**Title:** An act relating to the office of crime victims' advocacy.

**Brief Description:** Establishing the office of crime victims' advocacy.

**Sponsor(s):** Representatives Appelwick, Padden, H. Myers, Brough, Basich, R. King, Jacobsen, Riley, Ludwig, Paris, Wineberry, Nelson, Franklin, Wang, Horn, Cooper, Jones, Pruitt, May, Wynne, Mitchell, Ogden, Roland, J. Kohl, Haugen, O'Brien, Spanel, Rasmussen and Anderson; by request of Department of Community Development and Dept. of Social and Health Services.

**Brief History:**

Reported by House Committee on:  
State Government, February 7, 1992, DPS.

---

**HOUSE COMMITTEE ON  
STATE GOVERNMENT**

**Majority Report:** *The substitute bill be substituted therefor and the substitute bill do pass.* Signed by 10 members: Representatives Anderson, Chair; Pruitt, Vice Chair; McLean, Ranking Minority Member; Bowman, Assistant Ranking Minority Member; Chandler; R. Fisher; Grant; Moyer; O'Brien; and Sheldon.

**Staff:** Linda May (786-7135).

**Background:** In the late 1980's in response to a series of particularly violent crimes, the governor created the Task Force on Community Protection. The task force was given the mission of identifying flaws in state law regarding sexual and other violent offenders and then recommending changes to address the problems identified. The task force formally submitted its recommendations to the governor in December, 1989.

During the 1990 session, the Legislature passed a measure which included many of the task force's recommendations (SB 6259). The legislation created two grant programs to be administered by the Department of Community Development.

One grant program was established to enhance community-based treatment services for victims of sex offenders. The other program was established to enhance sexual assault prevention programs across the state.

The 1990 legislation also called for creation of an Office of Crime Victims' Advocacy within the Office of the Governor. The governor vetoed this portion of the legislation; instead the governor established by executive order an Office of Crime Victims' Advocacy within the Department of Community Development. One of the tasks assigned to the new office by the governor's executive order was administration of the two new grant programs. Technically this office expired on July 1, 1991.

***Summary of Substitute Bill:***

Office of Crime Victims' Advocacy

The Office of Crime Victims' Advocacy is established in statute as an office within the Department of Community Development (DCD). The broad purpose assigned to the office is to provide a focus within state government on the rights of, and services for, victims of crime. Specific duties are then assigned to the office to meet this broader purpose.

The director of DCD is to appoint an executive administrator for the office. The executive administrator post is designated as an exempt position.

Records maintained by the Office of Crime Victims' Advocacy are not subject to discovery in a judicial proceeding unless the court has reviewed the records in camera and has entered an order stating that the records are discoverable. Members of the office may not be compelled to testify in court except for certain purposes. The office's records are exempt from the public inspection and copying requirements of the public disclosure statutes.

Crime Victims' "Ombuds"

Also created is a crime victims' "ombuds" within the Office of Crime Victims' Advocacy. The ombuds has the authority to investigate complaints related to crime victims' rights and opportunities. The ombuds may also act as a liaison between agencies in the criminal justice system, victim services providers, and crime victims themselves.

The ombuds may request and be given access to information pertaining to a complaint. If the ombuds finds that a complaint is substantiated, the ombuds may recommend action to the appropriate authority. The ombuds' recommendation is

not binding, although the authority is to inform the ombuds within a reasonable time period whether action was taken and, if not, why not.

#### Grant Programs

The existing language in statute describing the grant programs is modified to allow funding for programs which offer prevention services to persons at risk of becoming victims of sex offenders.

***Substitute Bill Compared to Original Bill:*** In the original bill, the "ombuds" could require access to information pertaining to a complaint and had to inform in writing various parties upon completing a complaint investigation. In the substitute bill, the ombuds may be given access to information and may inform these parties upon completion of an investigation.

***Fiscal Note:*** Requested January 29, 1992.

***Effective Date of Substitute Bill:*** Ninety days after adjournment of session in which bill is passed.

***Testimony For:*** There is a great need for crime victim services. People in the state need a centralized place for information and referral. Citizen activists can be helpful, but their efforts are localized. An ombuds would offer help and support. The office has been good to work with and aids in the sharing of information. The statute needs to recognize victims of crimes, not just sex offender victims.

***Testimony Against:*** There is some concern about the office's advocacy role and possible conflict with domestic violence programs.

***Witnesses:*** Ida Ballasiotes, Friends of Diane; Bev Emery and Steve Eckstrom, Office of Crime Victims' Advocacy, DCD; Jeralita Costa, Washington Coalition of Crime Victim Advocates (all in favor); and Deborah Senn, Washington Coalition Against Domestic Violence (with concerns).