

2 **SHB 1160 - H AMD 000181 ADOPTED 03-16-93**

3 By Representative H. Myers, Ballasiotes and Anderson

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5 On page 5, after line 3, insert the following:

6 "Sec. 3. RCW 43.280.010 and 1990 c 3 s 1201 are each amended to
7 read as follows:

8 The legislature recognizes the need to increase ((the)) services
9 available to ((the)) victims of ((sex-offenders)) crime. The
10 legislature also recognizes that these services are most effectively
11 planned and provided at the local level through the combined efforts of
12 concerned community and citizens groups, treatment providers, and local
13 government officials. The legislature further recognizes that adequate
14 treatment for victims is not only a matter of justice for the victim,
15 but also a method by which additional ((abuse)) crime can be prevented.

16 The legislature intends to enhance the community-based
17 ((treatment)) services available to ((the)) victims of ((sex
18 offenders)) crime by:

19 (1) Establishing the office of crime victims' advocacy to provide
20 a focus within state government on the rights of, and services for,
21 victims of crime;

22 (2) Providing funding support for local ((treatment)) programs
23 ((which)) that provide services to victims of ((sex-offenders)) crime;

24 ((+2)) (3) Providing technical assistance and support to help
25 communities plan for and provide ((treatment)) services to crime
26 victims; and

27 ((+3)) (4) Providing communities and local ((treatment)) service
28 providers with opportunities to share information about successful
29 prevention and treatment programs.

30 NEW SECTION. Sec. 4. An office of crime victims' advocacy is
31 established within the department of community development. The
32 purpose of the office is to provide a focus within state government on
33 the rights of, and services for, victims of crime.

34 The office of crime victims' advocacy shall:

1 (1) Advocate for programs and policies that strengthen victim
2 rights and improve the quality and accessibility of services for
3 victims;

4 (2) Serve as an ombuds to assist victims in obtaining needed
5 services, and to investigate situations in which victims believe their
6 rights have been violated;

7 (3) Serve as a clearinghouse of information regarding services,
8 statutes, and research related to crime victims;

9 (4) Work with crime victim service organizations to provide
10 leadership in the development of public policy relative to crime victim
11 issues;

12 (5) Facilitate the development of standards for the provision of
13 services to crime victims upon the request of providers of such
14 services and affected regulatory agencies;

15 (6) Facilitate the planning and provision of training for providers
16 of crime victim services including, but not limited to, personnel in
17 social service, criminal justice, medical, and education systems;

18 (7) Administer grant funds that are made available to enhance the
19 capacity of communities to serve victims of crime and to prevent
20 victimization; and

21 (8) Provide technical assistance to state and community
22 organizations to help them serve victims of crime.

23 NEW SECTION. **Sec. 5.** The crime victims' ombuds is created within
24 the office of crime victims' advocacy.

25 (1) The crime victims' ombuds may investigate complaints concerning
26 possible violation of the rights of crime victims or witnesses provided
27 for by law, the delivery of services to crime victims, claims for crime
28 victims compensation under chapter 7.68 RCW, and other complaints of
29 mistreatment by elements of the criminal justice system or victim
30 service providers. Clients or other affected individuals who have
31 complaints regarding a policy or procedure, or the application of a
32 policy or procedure, of the department of social and health services,
33 shall be referred to the complaint resolution process established under
34 RCW 74.13.045 if the complaint is related to programs administered
35 under chapter 74.13 RCW. The ombuds shall act as a liaison, if
36 requested, between agencies in the criminal justice system or victim
37 service providers, and victims and witnesses. The ombuds shall be
38 available through the use of a toll-free telephone number and shall

1 answer questions concerning the criminal justice system and victim
2 services from victims and witnesses in accordance with the ombuds'
3 knowledge of the facts or law, unless the information is otherwise
4 restricted.

5 (2) The crime victim ombuds has those powers necessary to carry out
6 the duties set out in subsection (1) of this section, including:

7 (a) The ombuds may investigate any action of an element of the
8 criminal justice system or a victim assistance program.

9 (b) The ombuds may request and be given access to all information
10 pertaining to a complaint, including any records pertaining to
11 juveniles and juvenile offenders. Records obtained under this chapter
12 shall not be released to any person by the office of crime victims'
13 advocacy.

14 (c) After completing investigation of a complaint, the ombuds may
15 inform in writing the complainant, the investigated person or entity,
16 and other appropriate authorities of the action taken.

17 (3)(a) On finding a complaint valid after duly considering the
18 complaint and whatever material the ombuds deems pertinent, the ombuds
19 may recommend action to the appropriate authority.

20 (b) If the ombuds makes a recommendation to an appropriate
21 authority for action, the authority shall, within a reasonable time
22 period, inform the ombuds about the action taken or the reasons for not
23 complying with the recommendation.

24 (4) The crime victims' ombuds shall not serve as legal counsel to
25 any person in a civil or criminal proceeding.

26 (5) The executive administrator of the office of crime victims'
27 advocacy shall establish procedures to ensure the impartiality of all
28 ombuds actions including those that involve crime victim programs
29 funded by the department of community development.

30 NEW SECTION. **Sec. 6.** The executive administrator of the office of
31 crime victims' advocacy shall be appointed by and report to the
32 director of the department of community development.

33 NEW SECTION. **Sec. 7.** A new section is added to chapter 41.06 RCW
34 to read as follows:

35 In addition to the exemptions set forth in RCW 41.06.070, the
36 provisions of this chapter do not apply to the executive administrator
37 of the office of crime victims' advocacy.

1 **Sec. 8.** RCW 43.280.020 and 1990 c 3 s 1203 are each amended to
2 read as follows:

3 There is established in the department of community development a
4 grant program to enhance the funding for treating the victims of sex
5 offenders and prevention of sexual assault victimization. Activities
6 that can be funded through this grant program are limited to those
7 that:

8 (1) Provide effective treatment or prevention services to victims
9 of sex offenders;

10 (2) Increase access to and availability of treatment or prevention
11 services for victims of sex offenders, particularly if from underserved
12 populations; and

13 (3) Create or build on efforts by existing community programs,
14 coordinate those efforts, or develop cooperative efforts or other
15 initiatives to make the most effective use of resources to provide
16 treatment or prevention services to these victims.

17 Funding priority shall be given to those applicants that represent
18 well-established existing programs and applicants that represent new
19 programs that are being created in geographic areas where no programs
20 presently exist.

21 **Sec. 9.** RCW 43.280.030 and 1990 c 3 s 1204 are each amended to
22 read as follows:

23 Applications for funding under this chapter must:

24 (1) Present evidence demonstrating how the criteria in RCW
25 (~~43.280.010~~) 43.280.020 will be met and demonstrating the
26 effectiveness of the proposal.

27 (2) Contain evidence of active participation of the community and
28 its commitment to providing ~~((an))~~ effective treatment or prevention
29 services for victims of sex offenders through the participation of
30 local governments, tribal governments, human service and health
31 organizations, and treatment entities and through meaningful
32 involvement from others, including citizen groups, as applicable.

33 **Sec. 10.** RCW 43.280.050 and 1990 c 3 s 1206 are each amended to
34 read as follows:

35 At a minimum, grant applications must include the following:

36 (1) The geographic area from which the victims or persons at-risk
37 of becoming victims to be served are expected to come;

1 (2) A description of the extent and effect of the needs of these
2 victims and persons at-risk of becoming victims within the relevant
3 geographic area;

4 (3) An explanation of how the funds will be used, their
5 relationship to existing services available within the community, and
6 the need that they will fulfill;

7 (4) An explanation of what organizations were involved in the
8 development of the proposal; and

9 (5) An evaluation methodology.

10 **Sec. 11.** RCW 43.280.060 and 1990 c 3 s 1207 are each amended to
11 read as follows:

12 (1) Subject to funds appropriated by the legislature, the
13 department of community development shall make awards under the grant
14 program established by RCW 43.280.020.

15 (2) Awards shall be made competitively based on the purposes of and
16 criteria in this chapter.

17 (3) To aid the department of community development in making its
18 determination, the department shall form a peer review committee
19 comprised of the executive administrator or designee for the office of
20 crime victims' advocacy (~~(office)~~) and individuals who have experience
21 in (~~(the treatment of victims of predatory violent sex offenders)~~)
22 providing sexual assault treatment or prevention services. The peer
23 review committee shall advise the department on the extent to which
24 each eligible applicant meets the purposes and criteria of this
25 chapter. The department shall consider this advice in making awards.

26 (4) Activities funded under this section may be considered for
27 funding in future years, but shall be considered under the same terms
28 and criteria as new activities. Funding under this chapter shall not
29 constitute an obligation by the state of Washington to provide ongoing
30 funding.

31 NEW SECTION. **Sec. 12.** Records maintained by the office of crime
32 victims' advocacy are not subject to discovery in any judicial
33 proceeding unless:

34 (1) A written motion is made to a court stating that discovery is
35 requested of such records;

1 (2) The written motion is accompanied by an affidavit or affidavits
2 setting forth specifically the reasons why discovery is requested of
3 office of crime victims' advocacy records;

4 (3) The court reviews the office of crime victims' advocacy records
5 in camera to determine whether the records are relevant and whether the
6 probative value of the records are outweighed by the victim's privacy
7 interest in the confidentiality of such records, taking into account
8 the further trauma that may be inflicted upon the victim by the
9 disclosure of the records; and

10 (4) The court enters an order stating whether the records or any
11 part of the records are discoverable and setting forth a basis for the
12 courts findings.

13 NEW SECTION. **Sec. 13.** No member of the office of crime victims'
14 advocacy may be compelled to testify in any court with respect to
15 matters involving the exercise of the ombuds functions of the office,
16 except for the purpose of establishing the validity of records that may
17 be entered into evidence pursuant to section 12 of this act.

18 **Sec. 14.** RCW 42.17.310 and 1992 c 139 s 5 and 1992 c 71 s 12 are
19 each reenacted and amended to read as follows:

20 (1) The following are exempt from public inspection and copying:

21 (a) Personal information in any files maintained for students in
22 public schools, patients or clients of public institutions or public
23 health agencies, or welfare recipients.

24 (b) Personal information in files maintained for employees,
25 appointees, or elected officials of any public agency to the extent
26 that disclosure would violate their right to privacy.

27 (c) Information required of any taxpayer in connection with the
28 assessment or collection of any tax if the disclosure of the
29 information to other persons would (i) be prohibited to such persons by
30 RCW 82.32.330 or (ii) violate the taxpayer's right to privacy or result
31 in unfair competitive disadvantage to the taxpayer.

32 (d) Specific intelligence information and specific investigative
33 records compiled by investigative, law enforcement, and penology
34 agencies, and state agencies vested with the responsibility to
35 discipline members of any profession, the nondisclosure of which is
36 essential to effective law enforcement or for the protection of any
37 person's right to privacy.

1 (e) Information revealing the identity of persons who are witnesses
2 to or victims of crime or who file complaints with investigative, law
3 enforcement, or penology agencies, other than the public disclosure
4 commission, if disclosure would endanger any person's life, physical
5 safety, or property. If at the time a complaint is filed the
6 complainant, victim or witness indicates a desire for disclosure or
7 nondisclosure, such desire shall govern. However, all complaints filed
8 with the public disclosure commission about any elected official or
9 candidate for public office must be made in writing and signed by the
10 complainant under oath.

11 (f) Test questions, scoring keys, and other examination data used
12 to administer a license, employment, or academic examination.

13 (g) Except as provided by chapter 8.26 RCW, the contents of real
14 estate appraisals, made for or by any agency relative to the
15 acquisition or sale of property, until the project or prospective sale
16 is abandoned or until such time as all of the property has been
17 acquired or the property to which the sale appraisal relates is sold,
18 but in no event shall disclosure be denied for more than three years
19 after the appraisal.

20 (h) Valuable formulae, designs, drawings, and research data
21 obtained by any agency within five years of the request for disclosure
22 when disclosure would produce private gain and public loss.

23 (i) Preliminary drafts, notes, recommendations, and intra-agency
24 memorandums in which opinions are expressed or policies formulated or
25 recommended except that a specific record shall not be exempt when
26 publicly cited by an agency in connection with any agency action.

27 (j) Records which are relevant to a controversy to which an agency
28 is a party but which records would not be available to another party
29 under the rules of pretrial discovery for causes pending in the
30 superior courts.

31 (k) Records, maps, or other information identifying the location of
32 archaeological sites in order to avoid the looting or depredation of
33 such sites.

34 (l) Any library record, the primary purpose of which is to maintain
35 control of library materials, or to gain access to information, which
36 discloses or could be used to disclose the identity of a library user.

37 (m) Financial information supplied by or on behalf of a person,
38 firm, or corporation for the purpose of qualifying to submit a bid or
39 proposal for ((+a)) (i) a ferry system construction or repair contract

1 as required by RCW 47.60.680 through 47.60.750 or (~~(b)~~) (ii) highway
2 construction or improvement as required by RCW 47.28.070.

3 (n) Railroad company contracts filed prior to July 28, 1991, with
4 the utilities and transportation commission under RCW 81.34.070, except
5 that the summaries of the contracts are open to public inspection and
6 copying as otherwise provided by this chapter.

7 (o) Financial and commercial information and records supplied by
8 private persons pertaining to export services provided pursuant to
9 chapter 43.163 RCW and chapter 53.31 RCW.

10 (p) Financial disclosures filed by private vocational schools under
11 chapter 28C.10 RCW.

12 (q) Records filed with the utilities and transportation commission
13 or attorney general under RCW 80.04.095 that a court has determined are
14 confidential under RCW 80.04.095.

15 (r) Financial and commercial information and records supplied by
16 businesses during application for loans or program services provided by
17 chapter 43.163 RCW and chapters 43.31, 43.63A, and 43.168 RCW.

18 (s) Membership lists or lists of members or owners of interests of
19 units in timeshare projects, subdivisions, camping resorts,
20 condominiums, land developments, or common-interest communities
21 affiliated with such projects, regulated by the department of
22 licensing, in the files or possession of the department.

23 (t) All applications for public employment, including the names of
24 applicants, resumes, and other related materials submitted with respect
25 to an applicant.

26 (u) The residential addresses and residential telephone numbers of
27 employees or volunteers of a public agency which are held by the agency
28 in personnel records, employment or volunteer rosters, or mailing lists
29 of employees or volunteers.

30 (v) The residential addresses and residential telephone numbers of
31 the customers of a public utility contained in the records or lists
32 held by the public utility of which they are customers.

33 (w) Information obtained by the board of pharmacy as provided in
34 RCW 69.45.090.

35 (x) Information obtained by the board of pharmacy or the department
36 of health and its representatives as provided in RCW 69.41.044,
37 69.41.280, and 18.64.420.

38 (y) Financial information, business plans, examination reports, and
39 any information produced or obtained in evaluating or examining a

1 business and industrial development corporation organized or seeking
2 certification under chapter 31.24 RCW.

3 (z) Financial and commercial information supplied to the state
4 investment board by any person when the information relates to the
5 investment of public trust or retirement funds and when disclosure
6 would result in loss to such funds or in private loss to the providers
7 of this information.

8 (aa) Financial and valuable trade information under RCW 51.36.120.

9 (bb) Client records maintained by an agency that is a domestic
10 violence program as defined in RCW 70.123.020 or a rape crisis center
11 as defined in RCW 70.125.030.

12 (cc) Information that identifies a person who, while an agency
13 employee: (i) Seeks advice, under an informal process established by
14 the employing agency, in order to ascertain his or her rights in
15 connection with a possible unfair practice under chapter 49.60 RCW
16 against the person; and (ii) requests his or her identity or any
17 identifying information not be disclosed.

18 (dd) Business related information protected from public inspection
19 and copying under RCW 15.86.110.

20 (ee) Records maintained by the office of crime victims' advocacy
21 related to the ombuds functions of the office that disclose or could be
22 used to disclose the identity of a crime victim or complainant.

23 (2) Except for information described in subsection (1)(c)(i) of
24 this section and confidential income data exempted from public
25 inspection pursuant to RCW 84.40.020, the exemptions of this section
26 are inapplicable to the extent that information, the disclosure of
27 which would violate personal privacy or vital governmental interests,
28 can be deleted from the specific records sought. No exemption may be
29 construed to permit the nondisclosure of statistical information not
30 descriptive of any readily identifiable person or persons.

31 (3) Inspection or copying of any specific records exempt under the
32 provisions of this section may be permitted if the superior court in
33 the county in which the record is maintained finds, after a hearing
34 with notice thereof to every person in interest and the agency, that
35 the exemption of such records is clearly unnecessary to protect any
36 individual's right of privacy or any vital governmental function.

37 (4) Agency responses refusing, in whole or in part, inspection of
38 any public record shall include a statement of the specific exemption

1 authorizing the withholding of the record (or part) and a brief
2 explanation of how the exemption applies to the record withheld.

3 NEW SECTION. **Sec. 15.** Sections 4 through 6, 12, and 13 of this
4 act are each added to chapter 43.280 RCW."

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