

HOUSE BILL REPORT

E2SHB 2319

As Amended by Senate

Title: An act relating to violence prevention.

Brief Description: Enacting programs to reduce youth violence.

Sponsors: By House Committee on Appropriations (originally sponsored by Representatives Appelwick, Leonard, Johanson, Valle, Wang, Wineberry, Scott, Karahalios, Caver, Kessler, Basich, Wolfe, J. Kohl, Voloria, Quall, Holm, Jones, Shin, King, Patterson, Eide, Dellwo, L. Johnson, Springer, Pruitt, Ogden, H. Myers and Anderson; by request of Governor Lowry).

Brief History:

Reported by House Committee on:
Judiciary, February 3, 1994, DPS;
Appropriations, February 8, 1994, DP2S;
Passed House, February 21, 1994, 78-19;
Amended by Senate.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 15 members: Representatives Appelwick, Chair; Johanson, Vice Chair; Padden, Ranking Minority Member; Ballasiotes, Assistant Ranking Minority Member; Campbell; Chappell; Eide; Forner; J. Kohl; Long; Morris; Schmidt; Scott; Tate and Wineberry.

Minority Report: Do not pass. Signed by 1 member: Representative H. Myers.

Staff: Bill Perry (786-7123).
Pat Shelledy (786-7149).
Margaret Allen (786-7191).

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by 27 members: Representatives Sommers, Chair; Valle, Vice Chair; Silver, Ranking Minority Member; Carlson, Assistant Ranking Minority Member; Appelwick; Ballasiotes; Basich;

Cooke; Dellwo; Dorn; Dunshee; G. Fisher; Foreman; Jacobsen; Lemmon; Leonard; Linville; H. Myers; Peery; Rust; Sehlin; Sheahan; Stevens; Talcott; Wang; Wineberry and Wolfe.

Staff: Victor Moore (786-7143).
Robert Butts (786-7111).
Dave Knutson (786-7146).
Kenny Pittman (786-7392).

Background: Violence committed by youth and directed toward youth is a serious problem affecting a large number of children and families. Causes of violence are complex and interrelated and cross economic and social boundaries. The incidence of child abuse, domestic violence, use of alcohol and drugs, poverty and the easy availability of firearms are all related in some manner to the level of violence in our communities.

Summary:

PART I
HUMAN SERVICES: PREVENTION AND
EARLY INTERVENTION

Prevention of Child Abuse and Neglect

The Department of Health will coordinate and fund, with funds provided for this purpose, voluntary programs to help parents of newborn children. The type of activities to be funded include: screening prior to/or soon after the birth of a child; parenting education and skills development; parenting and family support information and referral; parent support groups; family visits; linking each family with a primary care provider; and service coordination. Organizations providing services will use professionals and paraprofessionals to conduct screenings and follow-up visits. If professionals and paraprofessional are unavailable, volunteers may be used if they meet minimum competency standards established by the Department of Health.

Community-Based Planning and Services for Children and Families

The Family Policy Council will coordinate a statewide system of planning and service delivery for children and their families. Community Family Councils will plan, coordinate, and ensure the delivery of services to children and their families at the local level. Community Family Councils will be able to apply for unrestricted state funds from a new children and family services fund for planning and technical assistance activities, and provide services to children and their families. They may also request the Family Policy Council to submit requests to the Legislature for its

consideration, modification of statutory and categorical funding restrictions that apply to funds for services to children and their families.

Therapeutic Child Care

Therapeutic child care programs are authorized to provide transition services to children and their families who no longer receive therapeutic child care services at a therapeutic child care facility.

Before and After School Child Care

School districts or community-based organizations may operate before and after school child care programs for school-aged children. Programs will provide an alternative to unsupervised activities that put children at risk of lower academic achievement, emotional or social adjustment problems, substance abuse, gang activity, sexual activity and related problems.

Domestic Violence

Services provided through domestic violence shelters will, within available funds, be expanded to include services needed by children of domestic violence victims.

Suicide Prevention

The Department of Health will develop a plan for a state-wide suicide prevention program, if funds are provided for this purpose.

PART II
**EDUCATION: TRAINING, SAFE SCHOOLS,
AND PREVENTION AND INTERVENTION**

Educator Training and Assistance

The Superintendent of Public Instruction (SPI) shall prepare, or contract to prepare, a guide of available programs and strategies pertaining to conflict resolution and other violence prevention topics.

SPI shall contract with school districts, educational service districts, and approved in-service providers to conduct training sessions in conflict resolution and other violence prevention topics for school certificated and classified employees.

The State Board of Education (SBE) shall require teacher preparation programs to provide instruction in, or have educational outcomes pertaining to, the teaching of conflict resolution and other violence prevention skills.

Safe Schools/Safe Communities Grant Program

The Department of Community Development is to administer a Safe Schools/Safe Communities grant program that provides resources for community and school-based violence prevention initiatives. The grants may be used for Safe School Teams, employment assistance and readiness, parent involvement, referral services, and a number of other activities. Grants shall be awarded for three years, with a second series of grants awarded in 1996.

Career Ladders for At-risk Youth

SPI shall award start-up grants to provide extended day school-to-work transition options for secondary students who are at risk of academic failure and who have dropped out or who are enrolled full time at a home high school.

Vocational skills centers, non-profit organizations, educational service districts, community and technical colleges, and school districts are eligible to receive grants.

The programs are to identify, recruit, and assess teens who have dropped out or who are at risk of academic failure; develop job-readiness and retention skills; equip students with vocational skills and abilities consistent with entry level employment in their chosen career field; prepare students to seek further education and training, if needed; assist students who have dropped out to obtain their high school diploma; and increase the availability of vocational programs during other than normal school hours.

Minor Work Rules

The Department of Labor and Industries is directed to accelerate its evaluation of the minor work rules that became effective in 1993. The department is to report to the Governor and the Legislature on its evaluation prior to the 1995 legislative session.

School Discipline and Safety

School district boards of directors may establish schools and programs with stringent dress and discipline codes and parental participation standards. School boards may require students who would otherwise be suspended or expelled to attend these schools, and parents may choose to have their children attend. If students are required to wear uniforms, school districts must accommodate students so that the uniform requirement is not an unfair barrier to school participation.

A Task Force on Student Conduct is created. The task force is to identify laws, rules and practices that make it difficult for educators to manage their classrooms and schools effectively. Based on its findings, the task force shall make recommendations regarding actions that could be

taken to reduce the problems generated by disruptive students and thereby make schools more conducive to learning. The findings and recommendations of the task force shall be available by November 1, 1994.

Changes are made in the transfer of student records when students transfer to a new school. The changes allow school districts to retain official transcripts if the student has not paid fines or damaged school property.

School conduct shall be made a part of juvenile court diversion agreements.

SPI and the Attorney General, in cooperation with the Washington Bar Association, are to develop a volunteer-based conflict resolution and mediation program.

The State Board for Community and Technical Colleges and the Superintendent of Public Instruction are to establish a statewide toll-free hotline to provide information to high school dropouts and potential dropouts. The information to be provided includes information on financial aid, adult education courses and basic skills programs available at community and technical colleges.

Drug, Alcohol, and Violence Prevention and Intervention Program

The existing Drug and Alcohol Prevention and Intervention Grant Program, which was created in 1989, is expanded to include violence prevention.

PART III **COMMUNITY EMPOWERMENT**

Washington YouthBuild Program

The Washington YouthBuild Program is created in the Employment Security Department. The state may provide supplemental grants to organizations to implement a comprehensive program that provides education, job training, support services, leadership, entrepreneurial skills development and employment skills to economically disadvantaged youth. Organizations eligible to receive assistance through the Washington YouthBuild program are limited to those eligible to provide education and employment training under federal or state employment training programs.

The Department of Employment Security, in cooperation with the Department of Community, Trade and Economic Development, may make grants, equal to the lessor of \$300,000 or 25 percent of the total project costs, to organizations that provide: (1) education and job skills training services and

activities to meet the needs of the participant; (2) counseling services and related activities; (3) supportive services and need-based stipends to participants; (4) activities designed to develop employment and leadership skills; and (5) wage stipends and benefits to participants.

Participation is limited to an individual who: (1) is 16 to 24 years of age, inclusive; (2) has or is a member of a household with an income below 50 percent of the median income for the county; and (3) has dropped out of high school.

Applicants with projects that use the resources of the Housing Assistance Program to provide construction employment opportunities to disadvantaged youth under the YouthBuild program will be given preference for project funding.

The Washington State Job Training Coordinating Council will advise the Employment Security Department on the development and implementation of the YouthBuild program.

Community Empowerment Zone Program

The Neighborhood Reinvestment Area Program is renamed the Community Empowerment Zone Program. An area that receives federal designation as an empowerment zone or enterprise community can apply to the state for dual designation under the state's community empowerment zone program.

Community Empowerment Zone Incentives

-- Tax Deferrals and Tax Credits for Business Investments/Projects in Distressed Areas.

The term "neighborhood reinvestment areas" is replaced with "community empowerment zone" in the existing sales and use tax deferral program and business and occupation tax credit available under the distressed county program. Projects located in community empowerment zones require full-time employment positions to be filled with people who initially reside in the zone.

-- Community Empowerment Technical Assistance.

The Department of Community, Trade and Economic Development will provide technical assistance to support implementation of local community empowerment zone plans. The technical assistance includes, but is not limited to: commercial district revitalization techniques, technical and leadership skills training, and small business and entrepreneurial development.

-- Youth Gangs.

The Gang Risk Prevention and Intervention Pilot Program is expanded to include local school districts or community

organizations located in all communities. The state may provide additional grants and technical assistance to develop strategies designed to reduce the probability of youth gang activities at the local level.

-- Community Policing Assistance.

The Department of Community, Trade and Economic Development may make grants to local governments to develop effective crime-fighting partnerships between law enforcement and the community. The community policing assistance grants are limited: (1) to local governments that have developed an overall plan or strategy to address crime and related problems in a community empowerment zone; (2) to community policing activities such as multi-disciplinary crime prevention teams, public education programs, neighborhood resource centers and foot patrols; and (3) up to 20 percent of salaries and fringe benefits of newly sworn law enforcement officers, excluding overtime, for a three-year period.

Community-Based Violence Prevention and Reduction

-- Violence Prevention and Intervention.

The Community Mobilization Against Substance Abuse Program is expanded to include grants to communities to develop violence prevention and intervention strategies. The program is moved from the Office of the Governor to the Department of Community, Trade and Economic Development.

-- Temporary Shelter for Homeless Unaccompanied Youth.

The Department of Community, Trade and Economic Development can make loans and grants to develop housing and supportive services for homeless, unaccompanied youth. The department must develop a plan to coordinate federal, state and local youth. The program expires July 1, 1995.

EFFECT OF SENATE AMENDMENT(S): As it passed the House, E2SHB 2319 contained three substantive parts: Part I concerned human services prevention and early intervention programs; Part II concerned education prevention and intervention programs; and Part III concerned community empowerment programs. E2SHB 2319 did not contain major provisions concerning: gun control, prosecution of juveniles as adults, creation of new firearm crimes, adult and juvenile offender sentencing, curfews, or revocation of juvenile driving privileges. The House passed provisions concerning those issues in ESHB 2906 which did not pass the Senate.

The Senate struck all the provisions of E2SHB 2319 and replaced it with a bill containing eight parts. Three parts relate to the human services provisions of the house version. Those parts are Part I, Intent; Part II, Public

Health; and Part III, Community Networks. Part V, Education, relates to the House provisions concerning education programs. The Senate version struck entirely the provisions Part III of the House version concerning community empowerment. Part IV, Public Safety, adds entirely new provisions which do not relate to any of the provisions of E2SHB 2319 as it passed the House but relate to provisions passed in ESHB 2906. Part VI adds new provisions concerning child labor laws. Part VII adds new provisions regulating promotion of violence in the media. Part VIII provides for an outcome study and taxes. Please refer to the Senate bill report for detail concerning the new and revised provisions.

The effect of the Senate amendments regarding specific parts are as follows:

PART I, INTENT; PART II, PUBLIC HEALTH; PART III, COMMUNITY NETWORKS

The Senate amendment changes the names of community family councils and the family policy council to community public health and safety networks and the community public health and safety council. The local networks will develop specific goals to reduce the rate of at-risk children and youth. They will also annually review existing categorically funded programs for children and youth and determine whether the categorical funding should be provided to the network in a more flexible manner. The Governor is authorized to decategorize all or part of a program requested by the network. The membership of the local network is changed from 25 to 23, and the method of selecting participants is changed. Local networks are required to review data related to risk factors, protective factors, and at-risk children and youth prior to developing plans to address problems associated with children and youth. Local public health departments are required to declare the networks planning process meets standards set by the Department of Health. The Department of Health will establish specific standards for collecting, analyzing, and acting on data defining at-risk behaviors, and risk and protective factors. The Office of Financial Management is required to develop interdepartmental transfers of funds related to funding provided to local networks. It will also establish a fund distribution formula for determining allocations to community networks. The secretary of the Department of Social and Health Services and the insurance commissioner will conduct a study regarding liability issues and insurance rates for private nonprofit group homes. The Governor is required to appoint initial members of the community public health and safety council by May 1, 1994.

The Senate amendment deletes Part III of E2SHB 2319 as it passed the House, the Community Empowerment Part that contained the Washington Youthbuild program, Community Empowerment Zone program, the expanded Gang Risk Prevention and Intervention Pilot program, the Community Policing Assistance program, the violence portions contained in the existing Community Mobilization Against Substance Abuse program, and the Temporary Shelter for Homeless Unaccompanied Youth program.

PART IV: PUBLIC SAFETY

The Senate amendment adds numerous provisions concerning gun control, prosecution of juvenile offenders as adults, creation of the new crimes related to theft and possession of stolen firearms, adult penalty provisions concerning those crimes and the commission of other crimes while armed with a deadly weapon, juvenile disposition provisions, curfews, and revocation of driving privileges. Firearm and ammunition fees are imposed. A business and occupation tax on retail sales of firearms and ammunition is imposed. The tax provision will be submitted to the people for a vote.

PART V. EDUCATION

The following provisions were **added** in the Senate amendment:

- **Readiness-to-Learn funds** are transferred to the Community Networks.
- The Center for the Improvement of Student Learning is to have information on, and provide **inservice training** in, violence prevention.
- Schools are required to include information on violence in **school report cards**. Information must meet Department of Health collection standards.
- The **Even Start** program, which is an adult literacy program, is to include violence prevention awareness and training.
- School districts are encouraged to provide **community education programs** in violence prevention.
- The awards, assistance, and intervention program, which is being developed by the Commission on Student Learning, is to include **violence indicators** in determining whether a school is to receive an award, assistance, or be subject to intervention.

- Assaults on school employees and coaches, referees and others involved in sports activity are to be **third degree assaults.**
- Budget language is modified to allow **school security funding** from the Drug and Alcohol Prevention Program to be used to buy **metal detectors** and other security measures.
- School personnel may get access to a student's social file, diversion record, **police contact record, and arrest record.**
- The State Board of Education is directed to study **incentives for expanding the use of school facilities after hours.** The report is due in November 1994.
- DSHS and SPI are to examine laws pertaining to educator access to information on children who have been subject to abuse and on children charged with criminal behavior.

The following provisions in the House Bill were **deleted** in the Senate amendment:

- The **Career Ladder for At-risk youth** grant program, which is to provide extended day school-to-work transition options for at risk students.
- The SPI **curricular guide** of conflict resolution and violence prevention instructional material.
- The provision allowing school districts to establish schools and programs with stringent **dress and discipline codes** and parental participation standards.
- The **Task Force on Student Conduct**, which is to identify laws that make it difficult for educators to manage their classrooms.
- A provision making school conduct a part of juvenile court **diversion agreements.**
- The conflict resolution and mediation program, which is to be developed by SPI and the Attorney General in cooperation with the **Washington Bar Association.**
- The **toll-free dropout hotline** to provide information to high school dropouts.

The following **changes** were made to provisions in the House Bill:

- In the House bill, grants would be available for many different types of organizations to provide **violence prevention in-service training**. The Senate amendment directed Educational Service Districts to provide the inservice training.
- Language pertaining to the **transfer of student records** when students owe fines was significantly modified in the Senate amendment.
- Both bills require that state-operated **residential schools** provide **job skills training** programs. The specifics of the program differ.
- The House bill required the Department of Labor and Industries (L&I) to evaluate its **minor work rules**. The Senate amendment places **in statute** detailed minor work requirements, and removes L&I's ability to grant waivers.

PART VI: EMPLOYMENT

The amendment repeals the Department of Labor and Industries' authority to adopt rules governing the employment of minors (including the requirements for minor work permits and school permission) and to grant variances to adult and minor employee employment standards. The department continues to be responsible for enforcing statutory employment standards.

The amendment adds provisions restricting the employment of minors. The major differences between these provisions and the department's administrative rules governing employment of minors are:

- (1) during the school year, minors under age 16 may work up to 18 hours per week instead of 16 hours per week.
- (2) during the school year, minors age 16 and 17 may work up to eight hours on any day, instead of four hours per day on school days preceding another school day (or six hours with a special variance) and eight hours on other days; and 30 hours per week instead of 20 (or 28 with a special variance). The amendment does not limit the time when work must

quit, except that work may not extend past 10:00 p.m. on days preceding a school day.

- (3) during school vacations, minors age 16 and 17 may work 10 hours per day, instead of eight, and up to 50 hours per week, instead of 40, with no start or quit time limitations.
- (4) the minor may be employed for hours of employment that differ from the statutory requirements if the minor's parents and school agree that other hours of employment would be beneficial for the minor.

The department's Industrial Safety and Health Division may adopt rules regarding occupations that are prohibited for minor employees. The rules must consider whether the occupation presents an unreasonable threat to the health or safety of minors relative to the skills acquired and have reasonable justification if different from federal standards.

PART VII: MEDIA

Several provisions are adopted to regulate media and media related activities that directly or indirectly promote violence. All new televisions sold in the state must be equipped with time/channel locks or must be sold with an offer to the customer to purchase a channel blocking device. Cable television companies must provide all their customers with channel locking devices at cost. All video games sold or rented must display a realistic age rating for appropriateness of use for children. Video games may not be sold or rented to children under age 18 unless the parent accompanies the juvenile or the renter or seller has a written declaration from the parent authorizing the juvenile to rent videos. The media is encouraged to broadcast anti-violence public service messages. Public libraries must establish standards to restrict minors' access to violent videos. Violent motion pictures may not be shown to incarcerated juvenile or adult offenders. Software, computer games, and videos with fictional violent content must not be used in schools except in limited circumstances. The Department of General Administration must not purchase goods and services from business profiting from violence-related products or services. The State Investment Board must adopt a policy of disinvestment in businesses that profit from violence-related products or services.

PART VIII: MISCELLANEOUS

The Legislative Budget Committee must contract to study the implementation of the act to determine whether the act

results in a measurable reduction of violence. The sunset provisions on taxes on beer, wine, spirits, pop, and cigarettes are removed. The cigarette tax is increased. The tax provisions will be submitted to the people for a vote. Effective dates are established.

Fiscal Note: Requested February 9, 1994.

Effective Date: Sections 105 through 125, 301, 311 through 313, 317 through 328, and 401 shall take effect immediately. If specific funding for sections 101 through 132, 202 through 204, 207, 208, 302 through 310, 316 through 319 is not provided by June 30, 1994, these sections are null and void. The remaining sections take effect ninety days after adjournment of session in which bill is passed.

Testimony For: (Judiciary) The problem of violence committed by and against youth requires increased control of firearms' possession or use by juveniles. Penalties must be increased for crimes committed while armed with a deadly weapon to protect society from the most dangerous offenders. A curfew will give police an effective tool to reduce harm done to and by juveniles.

(Appropriations) This legislation provides a balanced approach to addressing youth violence and other problems facing children and their families through prevention and early intervention approaches. It is more cost effective and prudent to fund increased prevention and early intervention services rather than to increase punishment. Violence in our schools is a major issue that must be addressed: it is the number one issue for parents and teachers. We need a comprehensive approach that begins in the early grades. Conflict resolution training, increased discipline, and other violence prevention strategies have been proven to work.

Testimony Against: (Judiciary) Regulations on firearms only hinder law-abiding citizens from protecting themselves and their families from criminals. Curfews are unconstitutional and will result in selective enforcement that discriminates against minority groups.

(Appropriations) None.

Witnesses: (Judiciary) Dave LaCourse, Washington Citizens for Justice; Dwayne Slate, Washington State School Directors; R. Fuzzy Fletcher, King County Task Force on Responsible Gun Ownership; Mike Garner, Washington Ceasefire; Virginia Penn, Mothers Against Gangs; Gerald Rowland, President, Modern Firearm Hunters of Washington;

Bob Fisher, Washington Education Association; Jon Halvorson, Mayor, city of Lacey; Barry Shaw, Washington Ceasefire; Alison Shaw, citizen; Steve Conway, citizen; Doc Remington Carlson, Northwest Militia; K. David Reynard, Kitsap Rifle and Revolver Club; Linda L. Everett, citizen; Ted Cowan, Washington State Rifle and Pistol Association; Tom Rolfs, Department of Corrections; Lupe Barkus, citizen; David Jensen, citizen; Representative Bill Reams; John Benedict, citizen; Al Woodbridge, Washington State Rifle and Pistol; Tim Sekerak, citizen; Brian Judy, citizen; Kay Godefroy, Executive Director, Seattle Neighborhood Group, Stop Youth Violence, King County Task Force on Responsible Gun Ownership; Col. Mel Pfankvche, Col. Mel Pfankvche and Associates, Inc.; Sarah Shelton, citizen; Laurie Lippold, Children's Alliance; George Aiton, Washington Arms Collectors; Curtis Hays, citizen; Mark E. Duxbury, citizen; David Thomsen, citizen; Chris Stearns, citizen; Paul Williams, Citizens Committee for the Right to Keep and Bear Arms; Greg Dahlgren, Gun Owners of America; John Hubbard, Washington State Rifle and Pistol Association; Kim Childress, Mothers Against Gangs; Jerry Sheehan, American Civil Liberties Union; Mike Patrick, Washington State Association of Police Officers; Kurt Sharar, Washington State Association of Counties; Representative Steve Conway; John Kvamme, Tacoma Public Schools; Jim Justin, Association of Washington Cities; and Thomas Dunne, Society of Counsel.

(Appropriations) Chris Parsons, Peace Action of Washington; Jean Wessman, Washington Association of Counties; Priscilla Lisicich, Safe Streets; Darlene Flowers, Foster Parent Association of Washington; Mayhen Ryherd Keira, Human Services Roundtable; Laurie Lippold, Children's Alliance; Karen Davis, Washington Education Association; Judy Turpin, Childhaven; Lonnie-Johns Brown, National Organization for Women; Lewis Andrews, Puget Sound Education Service District; John Liulamaga, Seattle Samoan Center; Lis Merten, Washington Nurses Association; Margaret Casey, Washington Association of Juvenile Court Administrators and Washington State Catholic Conference; Susan Crowley, city of Seattle; and Stephanie Cline, Children's Home Society of Washington (all pro).

VOTE ON FINAL PASSAGE:

Yeas 78; Nays 19; Excused 1

Nays: Representatives Backlund, Ballard, Casada, Chandler, Edmondson, Foreman, Forner, Fuhrman, Lisk, McMorris, Mielke, Padden, Schoesler, Sehlin, Sheahan, Silver, Stevens, Tate, L. Thomas

Excused: Representatives Riley