

SENATE BILL REPORT

ESHB 2769

As Reported By Senate Committee On:
Law & Justice, February 26, 1998

Title: An act relating to reporting felonies committed by state employees.

Brief Description: Establishing procedure for reporting felonies by state employees.

Sponsors: House Committee on Law & Justice (originally sponsored by Representatives Clements, Sheahan, Zellinsky, Wensman, McMorris, Honeyford, Lisk, Sterk, Lambert and Mulliken).

Brief History:

Committee Activity: Law & Justice: 2/23/98, 2/26/98 [DPA].

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass as amended.

Signed by Senators Roach, Chair; Johnson, Vice Chair; Hargrove, Kline, Long and Zarelli.

Staff: Aldo Melchiori (786-7439)

Background: With the exception of reporting requirements pertaining to child abuse, there is generally no statute requiring a person to report an alleged crime.

The Office of Crime Victims Advocacy assists communities in implementing services for crime victims and advocates on behalf of victims in obtaining needed services and resources.

The Attorney General's Office has an administrative policy that establishes procedures to follow when the Attorney General receives a report that a state employee has engaged in criminal misconduct related to the employee's job.

Summary of Amended Bill: The Attorney General, in cooperation with the Office of Crime Victims Advocacy, must develop a policy requiring each state agency and institution of higher education to report to the Office of Crime Victims Advocacy (OCVA) when there is reasonable cause to believe, based on an internal agency report or any investigation, that a state employee has committed a crime against a person and the crime involves conduct occurring in, or related to, the workplace. The report must occur within seven days. If the crime is not a crime against a person, the policy must require that a report be made to the Attorney General within ten days.

In cases that pose a substantial risk to the public, the policy must establish procedures for when an agency or institution may report directly to law enforcement or the local prosecutor.

The Attorney General must develop a policy that establishes procedures for investigating and reporting incidents that agencies and institutions report to the Attorney General. The Attorney General's policy must require protection for the victim, the citizens of the state, and the state. The Attorney General's policy must also require the Attorney General to report to law enforcement or the prosecutor all instances of crimes that are not crimes against persons.

The Attorney General must submit a report annually, and OCVA must submit a report quarterly to the Legislature.

The policies must be developed by September 1, 1998.

Amended Bill Compared to Substitute Bill: The Attorney General and Office of Crime Victims Advocacy cooperate to develop policies for crimes against people. The null and void clause is removed.

Appropriation: None.

Fiscal Note: Requested on January 30, 1998.

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

Testimony For: Victims need information regarding how criminal acts by state employees will be handled. When incidents remain within an agency, they often get suppressed. Reporting incidents to outside agencies increases accountability.

Testimony Against: The Attorney General already has a process in place. If the process of reporting is too long and convoluted, the evidence trail disappears before law enforcement gets involved. Victims already have the right to report crimes directly to law enforcement agencies.

Testified: PRO: Representative Clements, original prime sponsor; Representative Costa; CON: Larry Erickson, Washington Association of Sheriffs and Police Chiefs; Scott Blonien, Attorney General's office (concerns).