

2 **E2SHB 2588** - S COMM AMD
3 By Committee on Judiciary

4 NOT ADOPTED 3/2/00

5 Strike everything after the enacting clause and insert the
6 following:

7 NEW SECTION. **Sec. 1.** Unless the context clearly requires
8 otherwise, the definitions in this section apply throughout this
9 chapter.

10 (1) "Department" means the department of social and health
11 services.

12 (2) "Domestic violence fatality" means a homicide or suicide under
13 any of the following circumstances:

14 (a) The alleged perpetrator and victim resided together at any
15 time;

16 (b) The alleged perpetrator and victim have a child in common;

17 (c) The alleged perpetrator and victim were married, divorced,
18 separated, or had a dating relationship;

19 (d) The alleged perpetrator had been stalking the victim;

20 (e) The homicide victim lived in the same household, was present at
21 the workplace of, was in proximity of, or was related by blood or
22 affinity to a victim who experienced or was threatened with domestic
23 abuse by the alleged perpetrator;

24 (f) The victim or perpetrator was a child of a person in a
25 relationship that is described within this subsection; or

26 (g) The domestic violence fatality review panel decides that the
27 death falls within the parameters of its mission.

28 This subsection should be interpreted broadly to give the domestic
29 violence fatality review panels discretion to review fatalities that
30 have occurred both directly and peripherally to domestic relationships.

31 NEW SECTION. **Sec. 2.** (1) Subject to the availability of state
32 funds, the department shall contract with an entity with expertise in
33 domestic violence policy and education and with a state-wide
34 perspective to coordinate review of domestic violence fatalities. The
35 coordinating entity shall be authorized to:

1 (a) Convene regional review panels;
2 (b) Gather information for use of regional review panels;
3 (c) Provide training and technical assistance to regional review
4 panels;

5 (d) Compile information and issue biennial reports with
6 recommendations; and

7 (e) Establish a protocol that may be used as a guideline for
8 identifying domestic violence related fatalities, forming review
9 panels, convening reviews, and selecting which cases to review. The
10 coordinating entity may also establish protocols for data collection
11 and preservation of confidentiality.

12 (2)(a) The coordinating entity may convene a regional domestic
13 violence fatality review panel to review any domestic violence
14 fatality.

15 (b) Private citizens may request a review of a particular death by
16 submitting a written request to the coordinating entity within two
17 years of the death. Of these, the appropriate regional review panel
18 may review those cases which fit the criteria set forth in the protocol
19 for the project.

20 NEW SECTION. **Sec. 3.** (1) Regional domestic violence fatality
21 review panels shall include but not be limited to:

22 (a) Medical personnel with expertise in domestic violence abuse;

23 (b) Coroners or medical examiners or others experienced in the
24 field of forensic pathology, if available;

25 (c) County prosecuting attorneys and municipal attorneys;

26 (d) Domestic violence shelter service staff and domestic violence
27 victims' advocates;

28 (e) Law enforcement personnel;

29 (f) Local health department staff;

30 (g) Child protective services workers;

31 (h) Community corrections professionals;

32 (i) Perpetrator treatment program provider; and

33 (j) Judges, court administrators, and/or their representatives.

34 (2) Regional domestic violence fatality review panels may also
35 invite other relevant persons to serve on an ad hoc basis and
36 participate as full members of the review team for a particular review.
37 These persons may include, but are not limited to:

1 (a) Individuals with particular expertise helpful to the regional
2 review panel;

3 (b) Representatives of organizations or agencies that had contact
4 with or provided services to the homicide victim or to the alleged
5 perpetrator.

6 (3) The regional review panels shall make periodic reports to the
7 coordinating entity and shall make a final report to the coordinating
8 entity with regard to every fatality that is reviewed.

9 NEW SECTION. **Sec. 4.** (1) An oral or written communication or a
10 document shared within or produced by a regional domestic violence
11 fatality review panel related to a domestic violence fatality review is
12 confidential and not subject to disclosure or discoverable by a third
13 party. An oral or written communication or a document provided by a
14 third party to a regional domestic violence fatality review panel, or
15 between a third party and a regional domestic violence fatality review
16 panel is confidential and not subject to disclosure or discovery by a
17 third party. Notwithstanding the foregoing, recommendations from the
18 regional domestic violence fatality review panel and the coordinating
19 entity generally may be disclosed minus personal identifiers.

20 (2) The regional review panels shall have access to information and
21 records regarding the domestic violence victims and perpetrators under
22 review held by domestic violence perpetrators' treatment providers;
23 dental care providers; hospitals, medical providers, and pathologists;
24 coroners and medical examiners; mental health providers; lawyers; the
25 state and local governments; the courts; and employers. The
26 coordinating entity and the regional review panels shall maintain the
27 confidentiality of such information to the extent required by any
28 applicable law.

29 (3) The regional review panels shall review, when determined to be
30 appropriate, guardian ad litem reports, parenting evaluations, and
31 victim impact statements; probation information; mental health
32 evaluations done for court; presentence interviews and reports, and any
33 recommendations made regarding bail and release on own recognizance;
34 child protection services, welfare, and other information held by the
35 department; any law enforcement incident documentation, such as
36 incident reports, dispatch records, victim, witness, and suspect
37 statements, and any supplemental reports, probable cause statements,
38 and 911 call taker's reports; corrections and postsentence supervision

1 reports; and any other information determined to be relevant to the
2 review. The coordinating entity and the regional review panels shall
3 maintain the confidentiality of such information to the extent required
4 by any applicable law.

5 NEW SECTION. **Sec. 5.** If acting in good faith, without malice, and
6 within the parameters of this chapter and the protocols established,
7 representatives of the coordinating entity and the regional domestic
8 violence fatality review panels are immune from civil or criminal
9 liability for an activity related to reviews of particular fatalities.

10 NEW SECTION. **Sec. 6.** Within available funds, data regarding each
11 domestic violence fatality review shall be collected on standard forms
12 created by the coordinating entity. Data collected on reviewed
13 fatalities shall be compiled and analyzed for the purposes of
14 identifying points at which the system response to domestic violence
15 could be improved and identifying patterns in domestic violence
16 fatalities.

17 NEW SECTION. **Sec. 7.** (1) A biennial state-wide report shall be
18 issued by the coordinating entity in December of even-numbered years
19 containing recommendations on policy changes that would improve program
20 performance, and issues identified through the work of the regional
21 panels. Copies of this report shall be distributed to the house of
22 representatives children and family services and criminal justice and
23 corrections committees and the senate human services and corrections
24 committee and to those agencies involved in the regional domestic
25 violence fatality review panels.

26 (2) The annual report in December 2010 shall contain a
27 recommendation as to whether or not the domestic violence review
28 process provided for in this chapter should continue or be terminated
29 by the legislature.

30 NEW SECTION. **Sec. 8.** Sections 1 through 7 of this act constitute
31 a new chapter in Title 43 RCW.

32 NEW SECTION. **Sec. 9.** If specific funding for the purposes of this
33 act, referencing this act by bill or chapter number, is not provided by

1 June 30, 2000, in the omnibus appropriations act, this act is null and
2 void."

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6 On page 1, line 1 of the title, after "reviews;" strike the
7 remainder of the title and insert "adding a new chapter to Title 43
8 RCW; and creating a new section."

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