

1 **HB 1645 - H AMD 0167 WITHDRAWN 3-15-03**

2 By Representative \_\_\_\_\_

3 Beginning on page 2, line 7, strike all of sections 2 and 3 and  
4 insert the following:

5 "NEW SECTION. **Sec. 2** A new section is added to chapter 59.18  
6 RCW to read as follows:

7 The definitions in this section apply throughout this section  
8 and sections 3 through 5 of this act unless the context clearly  
9 requires otherwise.

10 (1) "Domestic violence" has the same meaning as set forth in  
11 RCW 26.50.010.

12 (2) "Sexual assault" has the same meaning as set forth in RCW  
13 70.125.030.

14 (3) "Stalking" has the same meaning as set forth in RCW  
15 9A.46.110.

16 (4) "Qualified third party" means any of the following people  
17 acting in their official capacity:

18 (a) Law enforcement officers;

19 (b) Persons subject to the provisions of chapter 18.120 RCW;

20 (c) Employees of a court of the state;

21 (d) Licensed mental health professionals or other licensed  
22 counselors;

23 (e) An employee of a crime victim/witness program as defined in  
24 RCW 7.69.020; and

25 (f) Members of the clergy as defined in RCW 26.44.020.

26 (5) "Household member" means a child or adult residing with the  
27 tenant other than the perpetrator of domestic violence, stalking,  
28 or sexual assault.

29 (6) "Tenant screening service provider" means any  
30 nongovernmental agency that provides, for a fee, background  
31 information on prospective tenants to landlords.

32 (7) "Credit reporting agency" has the same meaning as set forth  
33 in RCW 19.182.010(5).

1            NEW SECTION.    **Sec. 3**    A new section is added to chapter 59.18  
2    RCW to read as follows:

3            (1)(a) If a tenant notifies the landlord in writing that he or  
4    she or a household member is a victim of domestic violence, sexual  
5    assault, or stalking, and either (a)(i) or (ii) of this subsection  
6    applies, then subsection (2) of this section applies:

7            (i) The tenant or the household member has a valid order for  
8    protection under one or more of the following: Chapters 26.50 or  
9    26.26 RCW or RCW 9A.46.040, 9A.46.050, 10.14.080, 10.99.040 (2) or  
10   (3), or 26.09.050; or

11          (ii) The tenant or the household member has reported the  
12   domestic violence, sexual assault, or stalking to a qualified third  
13   party acting in his or her official capacity and the qualified  
14   third party has provided the tenant or the household member a  
15   written record of the report signed by the qualified third party.

16          (b) When a copy of a valid order for protection or a written  
17   record of a report signed by a qualified third party, as required  
18   under (a) of this subsection, is made available to the landlord,  
19   the tenant may terminate the rental agreement and quit the premises  
20   without further obligation under the rental agreement or under  
21   chapter 59.12 RCW. However, the request to terminate the rental  
22   agreement must occur within ninety days of the reported act, event,  
23   or circumstance that gave rise to the protective order or report to  
24   a qualified third party. A record of the report to a qualified  
25   third party shall consist of a document signed and dated by the  
26   qualified third party stating: (i) That the tenant or the household  
27   member notified him or her that he or she was a victim of an act or  
28   acts of domestic violence, sexual assault, or stalking; and (ii)  
29   the time and date the act or acts occurred. The record of the  
30   report to a qualified third party may be accomplished by completion  
31   of a form provided by the qualified third party, in substantially  
32   the following form:

33    .....

34    [Name of organization, agency, clinic, professional service provider]

35    I and/or my . . . . . (household member) am/is a victim of

    . . . domestic violence as defined by RCW 26.50.010.

    . . . sexual assault as defined by RCW 70.125.030.

. . . stalking as defined by RCW 9A.46.110.

1           The incident(s) that I rely on in support of this declaration occurred on the following date(s) and time(s):  
2           .....

3           I state under penalty of perjury under the laws of the state of Washington that the foregoing is true and  
4 correct. Dated at ..... (city) . . , Washington, this . . . day of . . . , 20. ..

.....  
Signature of Tenant or  
Household Member

5           I verify that I have provided to the person whose signature appears above the statutes cited in RCW  
6 59.18.--- (section 3 of this act) and that the individual informed me of his or her status as a victim of  
7 domestic violence, sexual assault, or stalking on this . . . day of . . . , 20. ..

.....  
Signature of authorized  
officer/employee of  
(Organization, agency,  
clinic, professional  
service provider)

8           (2) A tenant who terminates a rental agreement under this  
9 section is discharged from the payment of rent for any period  
10 following the last day of the month of the quitting date. The  
11 tenant shall remain liable for the rent for the month in which he  
12 or she terminated the rental agreement unless the termination is in  
13 accordance with RCW 59.18.200(1). Notwithstanding lease provisions  
14 that allow for forfeiture of a deposit for early termination, a  
15 tenant who terminates under this section is entitled to the return  
16 of the full deposit, subject to RCW 59.18.020 and 59.18.280. Other  
17 tenants who are parties to the rental agreement, except household  
18 members who are the victims of sexual assault, stalking, or  
19 domestic violence, are not released from their obligations under  
20 the rental agreement or other obligations under this chapter.

21           (3) The provision of verification of a report under subsection  
22 (1)(b) of this section does not waive the confidential or  
23 privileged nature of the communication between a victim of domestic  
24 violence, sexual assault, or stalking with a qualified third party  
25 pursuant to RCW 5.60.060, 70.123.075, or 70.125.065. No record or  
26 evidence obtained from such disclosure may be used in any civil,

1 administrative, or criminal proceeding against the victim unless a  
2 written waiver of applicable evidentiary privilege is obtained,  
3 except that the verification itself, and no other privileged  
4 information, under subsection (1)(b) of this section may be used in  
5 civil proceedings brought under this section."

**EFFECT:** Changes the definition of "qualified third party" by:  
Removing attorneys, social workers, and advocates working at an  
agency that assists victims; and adding "employees of a crime  
victim/witness program." Crime victim/witness program means:  
(1) any crime victim and witness program of a law enforcement  
agency or prosecutor's office; (2) a rape crisis center's sexual  
assault victim advocacy program; (3) a domestic violence  
program's legal and community advocate program for domestic  
violence victims; or (4) any other crime victim advocacy program  
that provides trained advocates to assist crime victims during  
the investigation and prosecution of the crime.

Requires the written record of a report of abuse to a qualified  
third party to include the time and date of the act of domestic  
violence, sexual assault or stalking.