

2SHB 2712 - H AMD 1193

By Representative Hurst

ADOPTED 2/18/2008

1 On page 43, beginning on line 20, strike all of section 701,
2 and insert the following:

3 "NEW SECTION. **Sec. 701.** A new section is added to chapter
4 43.31 RCW to read as follows:

5 The legislature recognizes that witnesses are often fearful of
6 testifying against criminal gang members. Witnesses may be subject
7 to harassment, intimidation, and threats. While the state does not
8 ensure protection of witnesses, the state intends to provide
9 resources to assist local prosecutors in combating gang-related
10 crimes and to help citizens perform their civic duty to testify in
11 these cases.

12 NEW SECTION. **Sec. 702.** A new section is added to chapter
13 43.31 RCW to read as follows:

14 (1) Subject to available funds, the department of community,
15 trade, and economic development shall establish a temporary witness
16 assistance grant program for witnesses of felony criminal street
17 gang-related offenses. The department of community, trade, and
18 economic development shall develop a formula for distributing
19 temporary witness assistance grants and consideration shall
20 primarily be given to those county prosecutors that show that there
21 is a significant gang problem in their jurisdiction.

22 (2) As part of the temporary witness assistance grant program,
23 the department of community, trade, and economic development shall
24 work in collaboration with each local prosecutor attorney to
25 determine how and how much grant funding shall be distributed in
26 order to reimburse county prosecutors in assisting witnesses of
27 felony gang-related offenses with temporary assistance, relocation,
28 and shelter.

29 (3) Each temporary witness assistance grant awarded shall be
30 limited to a maximum of five thousand dollars per witness of a

1 felony criminal street gang-related offense or for a period of no
2 more than three months.

3 (4) Based upon the prior approval of the department of
4 community, trade, and economic development, approved county
5 prosecutor costs incurred for providing temporary witness
6 assistance shall be reimbursed to the respective county
7 prosecutor's office on a quarterly basis.

8 (5) An appointed or elected public official, public employee,
9 or public agency as defined in RCW 4.24.470 is immune from civil
10 liability for damages resulting from the temporary witness
11 assistance program, unless it is shown that the official, employee,
12 or agency acted with gross negligence or in bad faith.

13 (6) The cost for the department of community, trade, and
14 economic development to administer the grants shall not exceed
15 three percent of the total amount of funding appropriated to the
16 temporary witness assistance grant program.

17 NEW SECTION. **Sec. 703.** If specific funding for purposes of
18 section 702 of this act, referencing section 702 of this act by
19 bill or chapter and section number, is not provided by June 30,
20 2008, in the omnibus operating appropriations act, section 702 of
21 this act is null and void."

EFFECT:

- Adds an intent section stating that the state cannot ensure the protection of witnesses but it intends to provide resources to assist prosecutors in combating gang crime. Provides that public agencies are immune from liability for damages resulting from the temporary witness assistance program, unless the acts are in gross negligence or in bad faith
- Requires the Department of Community Trade and Economic Development (instead of the specific Office of Crime Victims Advocacy within CTED) to distribute approved witness assistance grant funds to county prosecuting attorneys on a quarterly basis. Limits the individual grants to \$5,000 per person or for a 3 month period.
- Adds a null and void clause to the temporary witness assistance grant program unless funding is provided in the operating budget.
- Authorizes up to 3% of the total amount of funds appropriated to be used for CTED administrative purposes.