
**State Government & Tribal Affairs
Committee**

HB 2573

Brief Description: Transferring programs to the office of the attorney general.

Sponsors: Representatives Hudgins, Alexander, Hunt, Armstrong, Hurst, Blake, Moscoso and Van De Wege.

Brief Summary of Bill

- Transfers various programs from the departments of Commerce, Labor and Industries, and Social and Health Services; Secretary of State, Washington Association of Sheriffs and Police Chiefs and the Criminal Justice Training Commission to the Office of the Attorney General.

Hearing Date: 1/23/12, 1/25/12, 1/30/12

Staff: Marsha Reilly (786-7135).

Background:

Sexual Assault Programs. The Department of Commerce (Commerce) administers a grant program to enhance the funding for treating the victims of sex offenders. Activities that may be funded through the program are limited to those that provide effective treatment to victims; increase access to and availability of treatment for victims, particularly from underserved populations; and create or build on efforts by existing community programs, coordinate those efforts, or develop cooperative efforts to make the most effective use of resources to provide for treatment services.

Commerce coordinates activities of programs relating to sexual assault and facilitates coordination and dissemination of information to personnel in fields relating to sexual assault. Services provided under this program include:

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- assistance to the criminal justice training commission in developing and offering training and education programs for criminal justice personnel on the scope and nature of the sexual assault problem;
- assistance to health care personnel in training for the sensitive handling and correct legal procedures of sexual assault cases;
- development of public education programs to increase public awareness concerning sexual assault in coordination with the activities of the Attorney General's crime prevention efforts; and
- technical assistance and advice to rape crisis centers, including the organization of existing community resources, volunteer training, identification of potential funding sources, evaluation, and education. Assistance shall be given for the development of additional programs in areas of the state where such services do not exist.

Crime Victims Advocacy. The Office of Crime Victims Advocacy within Commerce was created to assist communities in planning and implementing services for crime victims, advocate on behalf of crime victims in obtaining needed services and resources, and advise local and state governments on practices, policies, and priorities that impact crime victims. The office also administers grant programs for sexual assault treatment and prevention services.

Prostitution Prevention and Intervention. The Prostitution Prevention and Intervention grant program is administered by Commerce. The purpose of the program is to enhance funding for prostitution prevention and intervention services. Activities funded must provide effective prostitution prevention and intervention services, such as counseling, parenting, housing relief, education, and vocation training that addresses the problems of persons who are prostitutes and enhance the ability of persons to leave or avoid prostitution.

Financial Fraud and Identify Theft Crimes Investigation and Prosecution Program. The Financial Fraud and Identify Theft Crimes Investigation and Prosecution Program is administered by Commerce. Commerce appoints members of the financial fraud task forces, administers the financial fraud and identity theft crimes investigation and prosecution account, and submits an annual report to the legislature and the Governor on the progress of the program and task forces. The task forces are composed of local law enforcement, county prosecutors, representatives of the Office of the Attorney General, financial institutions, and other state and local law enforcement. The purpose of the task forces is to meet regularly to discuss emerging trends and threats of local financial fraud and identity theft crimes; set task force priorities for activities; apply to the department for funding to hire prosecutors and/or law enforcement personnel dedicated to investigating and prosecuting financial fraud and identity theft crimes; and acquire other needed resources to conduct the work of the task forces.

Community Mobilization Against Substance Abuse. The grant program, administered by Commerce, is intended to provide funding support for prevention, treatment, and enforcement activities developed by a community through the collaboration of educators, treatment professionals, local government officials, and law enforcement. The program also provides technical assistance and support in the implementation of activities and provides an avenue for communities to share suggestions.

Crime Victims' Compensation Program. The Crime Victims' Compensation Program is administered by the Department of Labor and Industries (L&I) and provides benefits to innocent

victims of criminal acts. A person is generally eligible to receive benefits in the form of medical treatment or lost wages if he or she was injured by a criminal act that occurred in Washington, provided that:

- the crime was reported to law enforcement within one year of its occurrence or within one year from the time a report could reasonably have been made; and
- the application for benefits is made within two years after the crime was reported to law enforcement or the rights of the beneficiaries or dependents accrued.

Address Confidentiality Program. The Address Confidentiality Program (ACP) allows victims of domestic violence, sexual assault, or stalking to have an alternative address designated as his or her substitute mailing address. The ACP also allows state and local agencies to comply with requests for public records without disclosing the confidential location of a victim.

In order to become a participant in the ACP, a person must submit an application to the Secretary of State (Secretary). The Secretary must approve any application that includes:

- a sworn statement from the applicant that he or she is a victim of domestic violence, sexual assault, or stalking, and fears for his or her safety or the person's children's safety;
- a designation of the Secretary as the applicant's agent for purposes of service of process and receipt of mail;
- the mailing address and phone number where the applicant can be contacted by the Secretary;
- the address that the applicant requests be kept confidential; and
- the applicant's signature.

Applicants are certified as program participants for four years, subject to renewal, withdrawal, or invalidation. A program participant who is qualified to vote may apply to receive ongoing absentee ballots for all elections in the jurisdiction for which that participant resides.

Registered Sex Offender and Kidnapping Offender Address and Residency Verification Grant Program. When funded, the Washington Association of Sheriffs and Police Chiefs (WASPC) administers a grant program for sex offender address verification by county sheriffs. The WASPC must:

- enter into performance-based agreements with local governments so that offenders' addresses are verified every 12 months for level I and unclassified offenders, every six months for level II offenders, and every three months for level III offenders;
- collect performance data; and
- submit an annual report to the Governor and the Legislature.

Uniform Crimes Reporting. The WASPC established and maintains a central repository for the collection and classification of information regarding violations concerning malicious harassment. The WASPC also develops procedures to monitor, record, and classify information relating to these violations. Local law enforcement agencies must report monthly to the WASPC concerning violations. The WASPC summarizes information received and files an annual report with the Governor and the Legislature.

Missing Persons Web Site. The WASPC maintains a statewide website, available to the public, for the purpose of posting relevant information concerning persons reported missing in the state. Information posted on missing persons includes the person's name, physical description,

photograph, and other information deemed necessary. The Washington State Patrol (WSP) must establish an interface with local law enforcement and the web site, the toll-free 24-hour hotline, and national and other statewide missing persons systems or clearinghouses.

Jail Booking and Reporting System. The WASPC is required to operate an electronic statewide jail booking and reporting system for city and county jails. The system is intended to serve as a central repository and instant information source for offender and jail statistical data. As part of the system, the WASPC is required to add a statewide automatic victim information and notification system to automatically notify a registered victim when the offender housed in any local jail or a Department of Corrections facility is transferred, released, or has escaped.

Sex Offender Website. The WASPC operates an electronic statewide unified sex offender notification and registration program (SONAR) which contains a database of all registered sex offenders in Washington. The WASPC creates and maintains a public website which posts all level II and level III sex offenders. The SONAR system allows a person to register to receive an electronic mail (e-mail) alert whenever an offender registers within one mile of the person's address. In order to register, a person must submit his or her name, address, and e-mail address.

Sex Offender Records Retention. Records of investigative reports prepared by law enforcement pertaining to sex offenders are transferred to the Washington Association of Sheriffs and Police Chiefs (WASPC) for permanent electronic retention and retrieval once the records are no longer needed by law enforcement or for judicial proceedings. The WASPC is permitted to destroy the paper record if an electronic copy is made. Once a record is transferred in this manner, the record is no longer considered a public record and is exempt from public disclosure. Such records may only be disclosed to criminal justice agencies to determine if a sex offender meets the criteria of a sexually violent predator.

Washington Auto Theft Prevention Authority. The WASPC administers the Washington Auto Theft Prevention Authority (Authority). The Authority consists of the Chief of the Washington State Patrol, two police chiefs, two sheriffs, one prosecuting attorney, an insurance industry representative, an automobile industry representative, and a member of the general public. The Authority is charged to:

- determine the scope of the problem of motor vehicle theft;
- analyze the various methods of combating motor vehicle theft;
- develop and implement a financial plan; and
- make recommendations to the Governor and the Legislature.

The Authority allocates moneys from an account to public agencies for the purpose of establishing, maintaining, and supporting programs designed to prevent motor vehicle theft. Moneys in the account are from revenues received from traffic infraction surcharges, gifts and grants, and from moneys appropriated by the Legislature. The costs to administer the program may not exceed ten percent of the moneys in the account in any one year.

Statewide Drug Prosecution Assistance Program. The Criminal Justice Training Commission (CJTC) administers the Statewide Drug Prosecution Assistance Program. The program was created to assist county prosecuting attorneys in the prosecution of drug and drug-related offenses. An advisory committee, consisting of the Attorney General, the Chief of the Washington State Patrol, both United States attorneys located in the state, and three county

prosecuting attorneys, acts as supervising attorneys to the program. The program employs up to five attorneys to act as special deputy prosecuting attorneys that may assist counties with the prosecution of drug-related crimes.

Shelters for Victims of Domestic Violence. The Department of Social and Health Services (DSHS) administers a grant program derived from funds in the Domestic Violence Prevention Account. The account is funded from receipt of court fees. The DSHS establishes minimum standards for shelters applying for grants under the program. The grants are made for the to support the development and establishment of shelters for victims of domestic violence.

Summary of Bill:

The following programs are transferred from the Department of Commerce to the Office of the Attorney General:

- Sexual Assault Grants;
- Prostitution Prevention and Intervention;
- Financial Fraud and Identity Theft Crimes Investigation and Prosecution Program; and
- Community Mobilization Against Substance Abuse.

The following programs are transferred from the Washington Association of Sheriffs and Police Chiefs to the Office of the Attorney General:

- Registered Sex Offender and Kidnapping Offender Address and Residency Verification Grant Program;
- Uniform Crimes Reporting;
- Missing Persons Website;
- Jail Booking and Reporting System;
- Sex Offender Website;
- Sex Offender Records Retention; and
- Washington Auto Theft Prevention Authority.

The following programs are transferred to the Office of the Attorney General:

- Crime Victims' Compensation Program, from the L&I;
- Address Confidentiality Program, from the Secretary;
- Statewide Drug Prosecution Assistance Program, from the Criminal Justice Training Commission; and
- Shelters for Victims of Domestic Violence Program, from the DSHS.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.