
HOUSE BILL 2573

State of Washington

62nd Legislature

2012 Regular Session

By Representatives Hudgins, Alexander, Hunt, Armstrong, Hurst, Blake, Moscoso, and Van De Wege

Read first time 01/17/12. Referred to Committee on State Government & Tribal Affairs.

1 AN ACT Relating to transferring programs to the office of the
2 attorney general; amending RCW 43.280.011, 43.280.020, 43.280.050,
3 43.280.060, 43.280.070, 43.280.080, 43.280.090, 70.125.040, 70.125.050,
4 70.125.055, 70.125.080, 74.14B.060, 43.63A.720, 43.63A.735, 43.63A.740,
5 9.68A.105, 9A.88.120, 9A.88.140, 43.330.300, 62A.9A-525, 43.270.020,
6 43.270.070, 43.270.080, 7.68.015, 7.68.020, 7.68.030, 7.68.031,
7 7.68.032, 7.68.033, 7.68.035, 7.68.045, 7.68.060, 7.68.070, 7.68.071,
8 7.68.072, 7.68.073, 7.68.075, 7.68.076, 7.68.077, 7.68.085, 7.68.085,
9 7.68.093, 7.68.094, 7.68.095, 7.68.096, 7.68.101, 7.68.111, 7.68.120,
10 7.68.125, 7.68.126, 7.68.130, 7.68.140, 7.68.145, 7.68.150, 7.68.155,
11 7.68.160, 7.68.165, 7.68.200, 7.68.210, 7.68.220, 7.68.230, 7.68.240,
12 7.68.270, 40.24.030, 40.24.040, 40.24.050, 40.24.070, 40.24.080,
13 36.28A.230, 9A.44.135, 36.28A.030, 36.28A.110, 36.28A.120, 36.28A.040,
14 36.28A.050, 4.24.550, 40.14.070, 36.28A.130, 46.66.010, 46.66.020,
15 36.27.100, 70.123.020, 70.123.030, 70.123.040, 70.123.050, 70.123.080,
16 70.123.090, 70.123.100, 70.123.110, 70.123.130, and 70.123.140;
17 reenacting and amending RCW 70.125.030, 7.68.050, and 7.68.080; adding
18 new sections to chapter 43.10 RCW; creating new sections; recodifying
19 RCW 43.280.010, 43.280.011, 43.280.020, 43.280.030, 43.280.040,
20 43.280.050, 43.280.060, 43.280.070, 43.280.080, 43.280.090, 43.280.900,
21 43.280.901, 43.280.902, 43.63A.720, 43.63A.725, 43.63A.730, 43.63A.735,

1 43.63A.740, 43.330.300, 36.28A.230, 36.28A.030, 36.28A.110, 36.28A.120,
2 36.28A.040, 36.28A.050, and 36.28A.130; repealing RCW 43.280.081;
3 providing effective dates; and providing an expiration date.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **PART 1**

6 **PROGRAMS TRANSFERRED FROM THE DEPARTMENT OF COMMERCE**

7 **Sexual Assault Grants**

8 **Sec. 101.** RCW 43.280.011 and 1996 c 123 s 1 are each amended to
9 read as follows:

10 The Washington state sexual assault services advisory committee
11 issued a report to the department of community, trade, and economic
12 development and the department of social and health services in June of
13 1995. The committee made several recommendations to improve the
14 delivery of services to victims of sexual abuse and assault: (1)
15 Consolidate the administration and funding of sexual assault and abuse
16 services in one agency instead of splitting those functions between the
17 department of social and health services and the (~~department of~~
18 ~~community, trade, and economic development~~) office of the attorney
19 general; (2) adopt a funding allocation plan to pool all funds for
20 sexual assault services and to distribute them across the state to
21 ensure the delivery of core and specialized services; (3) establish
22 service, data collection, and management standards and outcome
23 measurements for recipients of grants; and (4) create a data collection
24 system to gather pertinent data concerning the delivery of sexual
25 assault services to victims.

26 The legislature approves the recommendations of the advisory
27 committee and consolidates the functions and funding for sexual assault
28 services in the (~~department of community, trade, and economic~~
29 ~~development~~) office of the attorney general to implement the advisory
30 committee's recommendations.

31 The legislature does not intend to effect a reduction in service
32 levels within available funding by transferring department of social
33 and health services' powers and duties to the (~~department of~~
34 ~~community, trade, and economic development~~) office of the attorney

1 general. At a minimum, the (~~department of community, trade, and~~
2 ~~economic development~~) office of the attorney general shall distribute
3 the same percentage of the services it provides victims of sexual
4 assault and abuse, pursuant to RCW 43.280.020 (as recodified by this
5 act), 70.125.080, and 74.14B.060, to children as were distributed to
6 children through these programs in fiscal year 1996.

7 **Sec. 102.** RCW 43.280.020 and 1996 c 123 s 3 are each amended to
8 read as follows:

9 There is established in the (~~department of community, trade, and~~
10 ~~economic development~~) office of the attorney general a grant program
11 to enhance the funding for treating the victims of sex offenders.
12 Activities that can be funded through this grant program are limited to
13 those that:

- 14 (1) Provide effective treatment to victims of sex offenders;
- 15 (2) Increase access to and availability of treatment for victims of
16 sex offenders, particularly if from underserved populations; and
- 17 (3) Create or build on efforts by existing community programs,
18 coordinate those efforts, or develop cooperative efforts or other
19 initiatives to make the most effective use of resources to provide
20 treatment services to these victims.

21 Funding shall be given to those applicants that emphasize providing
22 stable, victim-focused sexual abuse services and possess the
23 qualifications to provide core services, as defined in RCW 70.125.030.
24 Funds for specialized services, as defined in RCW 70.125.030, shall be
25 disbursed through the request for proposal or request for
26 qualifications process.

27 **Sec. 103.** RCW 43.280.050 and 1996 c 123 s 4 are each amended to
28 read as follows:

29 At a minimum, grant applications must include the following:

- 30 (1) The geographic area from which the victims to be served are
31 expected to come;
- 32 (2) A description of the extent and effect of the needs of these
33 victims within the relevant geographic area;
- 34 (3) An explanation of how the funds will be used, their
35 relationship to existing services available within the community, and
36 the need that they will fulfill;

1 (4) An explanation of what organizations were involved in the
2 development of the proposal;

3 (5) Documentation of capacity to provide core and specialized
4 services, as defined in RCW 70.125.030, provided by the applicant, how
5 the applicant intends to comply with service, data collection, and
6 management standards established by the ((department)) attorney
7 general; and

8 (6) An evaluation methodology.

9 **Sec. 104.** RCW 43.280.060 and 1996 c 123 s 5 are each amended to
10 read as follows:

11 (1) Subject to funds appropriated by the legislature, the
12 ((department of community, trade, and economic development)) attorney
13 general shall make awards under the grant program established by RCW
14 43.280.020 (as recodified by this act).

15 (2) To aid the ((department of community, trade, and economic
16 development)) attorney general in making its funding determinations,
17 the ((department)) attorney general shall form a peer review committee
18 comprised of individuals who are knowledgeable or experienced in the
19 management or delivery of treatment services to victims of sex
20 offenders. The peer review committee shall advise the ((department))
21 attorney general on the extent to which each eligible applicant meets
22 the treatment and management standards, as developed by the
23 ((department)) attorney general. The ((department)) attorney general
24 shall consider this advice in making awards.

25 (3) Activities funded under this section may be considered for
26 funding in future years, but shall be considered under the same terms
27 and criteria as new activities. Funding under this chapter shall not
28 constitute an obligation by the state of Washington to provide ongoing
29 funding.

30 **Sec. 105.** RCW 43.280.070 and 1995 c 399 s 115 are each amended to
31 read as follows:

32 The ((department of community, trade, and economic development))
33 attorney general may receive such gifts, grants, and endowments from
34 public or private sources as may be made from time to time, in trust or
35 otherwise, for the use and benefit of the purposes of ((this chapter))

1 the sexual assault grant program and expend the same or any income
2 therefrom according to the terms of the gifts, grants, or endowments.

3 **Sec. 106.** RCW 43.280.080 and 1995 c 241 s 1 are each amended to
4 read as follows:

5 The office of crime victims advocacy is established in the
6 (~~department of community, trade, and economic development~~) office of
7 the attorney general. The office of crime victims advocacy shall
8 assist communities in planning and implementing services for crime
9 victims, advocate on behalf of crime victims in obtaining needed
10 services and resources, and advise local and state governments on
11 practices, policies, and priorities that impact crime victims. In
12 addition, the office of crime victims advocacy shall administer grant
13 programs for sexual assault treatment and prevention services, as
14 authorized in this chapter.

15 **Sec. 107.** RCW 43.280.090 and 1995 c 269 s 2102 are each amended to
16 read as follows:

17 The (~~director of the department of community, trade, and economic~~
18 ~~development~~) attorney general may establish ad hoc advisory
19 committees, as necessary, to obtain advice and guidance regarding the
20 office of crime victims advocacy program.

21 **Sec. 108.** RCW 70.125.030 and 2009 c 565 s 50 are each reenacted
22 and amended to read as follows:

23 As used in this chapter and unless the context indicates otherwise:

24 (1) "Community sexual assault program" means a community-based
25 social service agency that is qualified to provide and provides core
26 services to victims of sexual assault.

27 (2) "Core services" means treatment services for victims of sexual
28 assault including information and referral, crisis intervention,
29 medical advocacy, legal advocacy, support, system coordination, and
30 prevention for potential victims of sexual assault.

31 (3) (~~"Department" means the department of commerce.~~

32 ~~(4)~~) "Law enforcement agencies" means police and sheriff's
33 departments of this state.

34 ~~((5))~~ (4) "Personal representative" means a friend, relative,

1 attorney, or employee or volunteer from a community sexual assault
2 program or specialized treatment service provider.

3 ((+6)) (5) "Rape crisis center" means a community-based social
4 service agency which provides services to victims of sexual assault.

5 ((+7)) (6) "Sexual assault" means one or more of the following:

- 6 (a) Rape or rape of a child;
- 7 (b) Assault with intent to commit rape or rape of a child;
- 8 (c) Incest or indecent liberties;
- 9 (d) Child molestation;
- 10 (e) Sexual misconduct with a minor;
- 11 (f) Custodial sexual misconduct;
- 12 (g) Crimes with a sexual motivation; or
- 13 (h) An attempt to commit any of the aforementioned offenses.

14 ((+8)) (7) "Specialized services" means treatment services for
15 victims of sexual assault including support groups, therapy, and
16 specialized sexual assault medical examination.

17 ((+9)) (8) "Victim" means any person who suffers physical and/or
18 mental anguish as a proximate result of a sexual assault.

19 **Sec. 109.** RCW 70.125.040 and 1985 c 34 s 1 are each amended to
20 read as follows:

21 The ((department)) attorney general shall establish a centralized
22 office within the ((department)) office of the attorney general to
23 coordinate activities of programs relating to sexual assault and to
24 facilitate coordination and dissemination of information to personnel
25 in fields relating to sexual assault.

26 The ((department)) attorney general shall develop, with the
27 cooperation of the criminal justice training commission, the medical
28 profession, and existing rape crisis centers, a biennial statewide plan
29 to aid organizations which provide services to victims of sexual
30 assault.

31 **Sec. 110.** RCW 70.125.050 and 1979 ex.s. c 219 s 5 are each amended
32 to read as follows:

33 The statewide program established under RCW 70.125.040 shall
34 include but not be limited to provision of the following services:
35 PROVIDED, That the ((department)) attorney general shall utilize

1 existing rape crisis centers and contract, where appropriate, with
2 these centers to provide the services identified in this section:

3 (1) Assistance to the criminal justice training commission in
4 developing and offering training and education programs for criminal
5 justice personnel on the scope and nature of the sexual assault
6 problem;

7 (2) Assistance to health care personnel in training for the
8 sensitive handling and correct legal procedures of sexual assault
9 cases;

10 (3) Development of public education programs to increase public
11 awareness concerning sexual assault in coordination with the activities
12 of the attorney general's crime prevention efforts; and

13 (4) Technical assistance and advice to rape crisis centers,
14 including the organization of existing community resources, volunteer
15 training, identification of potential funding sources, evaluation, and
16 education. Assistance shall be given for the development of additional
17 programs in areas of the state where such services do not exist.

18 **Sec. 111.** RCW 70.125.055 and 1985 c 34 s 2 are each amended to
19 read as follows:

20 The ((department)) attorney general may distribute financial
21 assistance to rape crisis centers to supplement crisis, advocacy, and
22 counseling services provided directly to victims.

23 **Sec. 112.** RCW 70.125.080 and 1996 c 123 s 7 are each amended to
24 read as follows:

25 (1) Community sexual assault programs that are eligible for funding
26 from the ((department)) attorney general under this chapter may apply
27 for grants for the purpose of hiring, training, and supervising victim
28 advocates to provide core services to assist victims and their families
29 through the investigation, prosecution, and treatment process that
30 resulted from a sexual assault. The ((department)) attorney general
31 shall seek, receive, and make use of any funds which may be available
32 from federal or other sources to augment state funds appropriated for
33 the purpose of this section, and shall make every effort to qualify for
34 federal funding.

1 **Sec. 113.** RCW 74.14B.060 and 1996 c 123 s 8 are each amended to
2 read as follows:

3 (1) Treatment services for children who have been sexually
4 assaulted must be designed and delivered in a manner that accommodates
5 their unique developmental needs and also considers the impact of
6 family dynamics on treatment issues. In addition, the complexity of
7 the civil and criminal justice systems requires that children who are
8 involved receive appropriate consideration and attention that
9 recognizes their unique vulnerability in a system designed primarily
10 for adults.

11 (2) The (~~department of community, trade, and economic~~
12 ~~development~~) attorney general shall provide, subject to available
13 funds, comprehensive sexual assault services to sexually abused
14 children and their families. The (~~department~~) attorney general shall
15 provide treatment services by qualified, registered, certified, or
16 licensed professionals on a one-to-one or group basis as may be deemed
17 appropriate.

18 (3) Funds appropriated under this section shall be provided solely
19 for contracts or direct purchase of specific treatment services from
20 community organizations and private service providers for child victims
21 of sexual assault and sexual abuse. Funds shall be disbursed through
22 the request for proposal or request for qualifications process.

23 (4) As part of the request for proposal or request for
24 qualifications process the (~~department of community, trade, and~~
25 ~~economic development~~) attorney general shall ensure that there be no
26 duplication of services with existing programs including the crime
27 victims' compensation program as provided in chapter 7.68 RCW. The
28 (~~department~~) attorney general shall also ensure that victims exhaust
29 private insurance benefits available to the child victim before
30 providing services to the child victim under this section.

31 NEW SECTION. **Sec. 114.** RCW 43.280.081 (Office of crime victims
32 advocacy--Reports on penalty assessments collection and use of funds
33 for assistance to victims and witnesses of crime) and 1996 c 122 s 3
34 are each repealed.

35 NEW SECTION. **Sec. 115.** RCW 43.280.010, 43.280.011, 43.280.020,

1 43.280.030, 43.280.040, 43.280.050, 43.280.060, 43.280.070,
2 43.280.080, 43.280.090, 43.280.900, 43.280.901, and 43.280.902 are each
3 recodified as sections in chapter 43.10 RCW.

4 **Prostitution Prevention and Intervention**

5 **Sec. 116.** RCW 43.63A.720 and 1995 c 353 s 7 are each amended to
6 read as follows:

7 There is established in the (~~department of community, trade, and~~
8 ~~economic development~~) office of the attorney general a grant program
9 to enhance funding for prostitution prevention and intervention
10 services. Activities that can be funded through this grant program
11 shall provide effective prostitution prevention and intervention
12 services, such as counseling, parenting, housing relief, education, and
13 vocational training, that:

14 (1) Comprehensively address the problems of persons who are
15 prostitutes; and

16 (2) Enhance the ability of persons to leave or avoid prostitution.

17 **Sec. 117.** RCW 43.63A.735 and 1995 c 353 s 10 are each amended to
18 read as follows:

19 (1) Subject to funds appropriated by the legislature, including
20 funds in the prostitution prevention and intervention account, the
21 (~~department of community, trade, and economic development~~) attorney
22 general shall make awards under the grant program established by RCW
23 43.63A.720 (as recodified by this act).

24 (2) Awards shall be made competitively based on the purposes of and
25 criteria in RCW 43.63A.720 through 43.63A.730 (as recodified by this
26 act).

27 (3) Activities funded under this section may be considered for
28 funding in future years, but shall be considered under the same terms
29 and criteria as new activities. Funding of a program or activity under
30 this chapter shall not constitute an obligation by the state of
31 Washington to provide ongoing funding.

32 (4) The (~~department of community, trade, and economic~~
33 ~~development~~) attorney general may receive such gifts, grants, and
34 endowments from public or private sources as may be made from time to
35 time, in trust or otherwise, for the use and benefit of the purposes of

1 the grant program established under RCW 43.63A.720 (as recodified by
2 this act) and expend the same or any income from these sources
3 according to the terms of the gifts, grants, or endowments.

4 (5) The (~~department of community, trade, and economic~~
5 ~~development~~) attorney general may expend up to five percent of the
6 funds appropriated for the grant program for administrative costs and
7 grant supervision.

8 **Sec. 118.** RCW 43.63A.740 and 2010 c 289 s 18 are each amended to
9 read as follows:

10 The prostitution prevention and intervention account is created in
11 the state treasury. All designated receipts from fees under RCW
12 9.68A.105 and 9A.88.120 and fines collected under RCW 9A.88.140 shall
13 be deposited into the account. Expenditures from the account may be
14 used in the following order of priority:

15 (1) Programs that provide mental health and substance abuse
16 counseling, parenting skills training, housing relief, education, and
17 vocational training for youth who have been diverted for a prostitution
18 or prostitution loitering offense pursuant to RCW 13.40.213;

19 (2) Funding for services provided to sexually exploited children as
20 defined in RCW 13.32A.030 in secure and semi-secure crisis residential
21 centers with access to staff trained to meet their specific needs;

22 (3) Funding for services specified in RCW 74.14B.060 and 74.14B.070
23 for sexually exploited children; and

24 (4) Funding the grant program to enhance prostitution prevention
25 and intervention services under RCW 43.63A.720 (as recodified by this
26 act).

27 **Sec. 119.** RCW 9.68A.105 and 2010 c 289 s 15 are each amended to
28 read as follows:

29 (1)(a) In addition to penalties set forth in RCW 9.68A.100,
30 9.68A.101, and 9.68A.102, a person who is either convicted or given a
31 deferred sentence or a deferred prosecution or who has entered into a
32 statutory or nonstatutory diversion agreement as a result of an arrest
33 for violating RCW 9.68A.100, 9.68A.101, or 9.68A.102, or a comparable
34 county or municipal ordinance shall be assessed a five thousand dollar
35 fee.

1 (b) The court may not suspend payment of all or part of the fee
2 unless it finds that the person does not have the ability to pay.

3 (c) When a minor has been adjudicated a juvenile offender or has
4 entered into a statutory or nonstatutory diversion agreement for an
5 offense which, if committed by an adult, would constitute a violation
6 of RCW 9.68A.100, 9.68A.101, or 9.68A.102, or a comparable county or
7 municipal ordinance, the court shall assess the fee under (a) of this
8 subsection. The court may not suspend payment of all or part of the
9 fee unless it finds that the minor does not have the ability to pay the
10 fee.

11 (2) The fee assessed under subsection (1) of this section shall be
12 collected by the clerk of the court and distributed each month to the
13 state treasurer for deposit in the prostitution prevention and
14 intervention account under RCW 43.63A.740 (as recodified by this act)
15 for the purpose of funding prostitution prevention and intervention
16 activities.

17 (3) For the purposes of this section:

18 (a) "Statutory or nonstatutory diversion agreement" means an
19 agreement under RCW 13.40.080 or any written agreement between a person
20 accused of an offense listed in subsection (1) of this section and a
21 court, county or city prosecutor, or designee thereof, whereby the
22 person agrees to fulfill certain conditions in lieu of prosecution.

23 (b) "Deferred sentence" means a sentence that will not be carried
24 out if the defendant meets certain requirements, such as complying with
25 the conditions of probation.

26 **Sec. 120.** RCW 9A.88.120 and 2007 c 368 s 12 are each amended to
27 read as follows:

28 (1)(a) In addition to penalties set forth in RCW 9A.88.010,
29 9A.88.030, and 9A.88.090, a person who is either convicted or given a
30 deferred sentence or a deferred prosecution or who has entered into a
31 statutory or nonstatutory diversion agreement as a result of an arrest
32 for violating RCW 9A.88.010, 9A.88.030, 9A.88.090, or comparable county
33 or municipal ordinances shall be assessed a fifty dollar fee.

34 (b) In addition to penalties set forth in RCW 9A.88.110, a person
35 who is either convicted or given a deferred sentence or a deferred
36 prosecution or who has entered into a statutory or nonstatutory

1 diversion agreement as a result of an arrest for violating RCW
2 9A.88.110 or a comparable county or municipal ordinance shall be
3 assessed a one hundred fifty dollar fee.

4 (c) In addition to penalties set forth in RCW 9A.88.070 and
5 9A.88.080, a person who is either convicted or given a deferred
6 sentence or a deferred prosecution or who has entered into a statutory
7 or nonstatutory diversion agreement as a result of an arrest for
8 violating RCW 9A.88.070, 9A.88.080, or comparable county or municipal
9 ordinances shall be assessed a three hundred dollar fee.

10 (2) The court may not suspend payment of all or part of the fee
11 unless it finds that the person does not have the ability to pay.

12 (3) When a minor has been adjudicated a juvenile offender or has
13 entered into a statutory or nonstatutory diversion agreement for an
14 offense which, if committed by an adult, would constitute a violation
15 under this chapter or comparable county or municipal ordinances, the
16 court shall assess the fee as specified under subsection (1) of this
17 section. The court may not suspend payment of all or part of the fee
18 unless it finds that the minor does not have the ability to pay the
19 fee.

20 (4) Any fee assessed under this section shall be collected by the
21 clerk of the court and distributed each month to the state treasurer
22 for deposit in the prostitution prevention and intervention account
23 under RCW 43.63A.740 (as recodified by this act) for the purpose of
24 funding prostitution prevention and intervention activities.

25 (5) For the purposes of this section:

26 (a) "Statutory or nonstatutory diversion agreement" means an
27 agreement under RCW 13.40.080 or any written agreement between a person
28 accused of an offense listed in subsection (1) of this section and a
29 court, county, or city prosecutor, or designee thereof, whereby the
30 person agrees to fulfill certain conditions in lieu of prosecution.

31 (b) "Deferred sentence" means a sentence that will not be carried
32 out if the defendant meets certain requirements, such as complying with
33 the conditions of probation.

34 **Sec. 121.** RCW 9A.88.140 and 2010 c 289 s 12 are each amended to
35 read as follows:

36 (1)(a) Upon an arrest for a suspected violation of patronizing a
37 prostitute, promoting prostitution in the first degree, promoting

1 prostitution in the second degree, promoting travel for prostitution,
2 the arresting law enforcement officer may impound the person's vehicle
3 if (i) the motor vehicle was used in the commission of the crime; (ii)
4 the person arrested is the owner of the vehicle or the vehicle is a
5 rental car as defined in RCW 46.04.465; and (iii) either (A) the person
6 arrested has previously been convicted of one of the offenses listed in
7 this subsection or (B) the offense was committed within an area
8 designated under (b) of this subsection.

9 (b) A local governing authority may designate areas within which
10 vehicles are subject to impoundment under this section regardless of
11 whether the person arrested has previously been convicted of any of the
12 offenses listed in (a) of this subsection.

13 (i) The designation must be based on evidence indicating that the
14 area has a disproportionately higher number of arrests for the offenses
15 listed in (a) of this subsection as compared to other areas within the
16 same jurisdiction.

17 (ii) The local governing authority shall post signs at the
18 boundaries of the designated area to indicate that the area has been
19 designated under this subsection.

20 (2) Upon an arrest for a suspected violation of commercial sexual
21 abuse of a minor, promoting commercial sexual abuse of a minor, or
22 promoting travel for commercial sexual abuse of a minor, the arresting
23 law enforcement officer shall impound the person's vehicle if (a) the
24 motor vehicle was used in the commission of the crime; and (b) the
25 person arrested is the owner of the vehicle or the vehicle is a rental
26 car as defined in RCW 46.04.465.

27 (3) Impoundments performed under this section shall be in
28 accordance with chapter 46.55 RCW and the impoundment order must
29 clearly state "prostitution hold."

30 (4)(a) Prior to redeeming the impounded vehicle, and in addition to
31 all applicable impoundment, towing, and storage fees paid to the towing
32 company under chapter 46.55 RCW, the owner of the impounded vehicle
33 must pay a fine to the impounding agency. The fine shall be five
34 hundred dollars for the offenses specified in subsection (1) of this
35 section, or two thousand five hundred dollars for the offenses
36 specified in subsection (2) of this section. The fine shall be
37 deposited in the prostitution prevention and intervention account
38 established under RCW 43.63A.740 (as recodified by this act).

1 (b) Upon receipt of the fine paid under (a) of this subsection, the
2 impounding agency shall issue a written receipt to the owner of the
3 impounded vehicle.

4 (5)(a) In order to redeem a vehicle impounded under this section,
5 the owner must provide the towing company with the written receipt
6 issued under subsection (4)(b) of this section.

7 (b) The written receipt issued under subsection (4)(b) of this
8 section authorizes the towing company to release the impounded vehicle
9 upon payment of all impoundment, towing, and storage fees.

10 (c) A towing company that relies on a forged receipt to release a
11 vehicle impounded under this section is not liable to the impounding
12 authority for any unpaid fine under subsection (4)(a) of this section.

13 (6)(a) In any proceeding under chapter 46.55 RCW to contest the
14 validity of an impoundment under this section where the claimant
15 substantially prevails, the claimant is entitled to a full refund of
16 the impoundment, towing, and storage fees paid under chapter 46.55 RCW
17 and the five hundred dollar fine paid under subsection (4) of this
18 section.

19 (b) If the person is found not guilty at trial for a crime listed
20 under subsection (1) of this section, the person is entitled to a full
21 refund of the impoundment, towing, and storage fees paid under chapter
22 46.55 RCW and the fine paid under subsection (4) of this section.

23 (c) All refunds made under this section shall be paid by the
24 impounding agency.

25 (d) Prior to receiving any refund under this section, the claimant
26 must provide proof of payment.

27 NEW SECTION. **Sec. 122.** RCW 43.63A.720, 43.63A.725, 43.63A.730,
28 43.63A.735, and 43.63A.740 are each recodified as sections in chapter
29 43.10 RCW.

30 **Financial Fraud and Identity Theft Crimes Investigation**
31 **and Prosecution Program**

32 **Sec. 123.** RCW 43.330.300 and 2009 c 565 s 16 are each amended to
33 read as follows:

34 (1) The financial fraud and identity theft crimes investigation and

1 prosecution program is created in the (~~department of commerce~~) office
2 of the attorney general. The (~~department~~) attorney general shall:

3 (a) Appoint members of the financial fraud task forces created in
4 subsection (2) of this section;

5 (b) Administer the account created in subsection (3) of this
6 section; and

7 (c) By December 31st of each year submit a report to the
8 appropriate committees of the legislature and the governor regarding
9 the progress of the program and task forces. The report must include
10 recommendations on changes to the program, including expansion.

11 (2)(a) The (~~department~~) attorney general shall establish two
12 regional financial fraud and identity theft crime task forces that
13 include a central Puget Sound task force that includes King and Pierce
14 counties, and a Spokane county task force. Each task force must be
15 comprised of local law enforcement, county prosecutors, representatives
16 of the office of the attorney general, financial institutions, and
17 other state and local law enforcement.

18 (b) The (~~department~~) attorney general shall appoint: (i)
19 Representatives of local law enforcement from a list provided by the
20 Washington association of sheriffs and police chiefs; (ii)
21 representatives of county prosecutors from a list provided by the
22 Washington association of prosecuting attorneys; and (iii)
23 representatives of financial institutions.

24 (c) Each task force shall:

25 (i) Hold regular meetings to discuss emerging trends and threats of
26 local financial fraud and identity theft crimes;

27 (ii) Set priorities for the activities for the task force;

28 (iii) Apply to the (~~department~~) attorney general for funding to
29 (A) hire prosecutors and/or law enforcement personnel dedicated to
30 investigating and prosecuting financial fraud and identity theft
31 crimes; and (B) acquire other needed resources to conduct the work of
32 the task force;

33 (iv) Establish outcome-based performance measures; and

34 (v) Twice annually report to the (~~department~~) attorney general
35 regarding the activities and performance of the task force.

36 (3) The financial fraud and identity theft crimes investigation and
37 prosecution account is created in the state treasury. Moneys in the
38 account may be spent only after appropriation. Revenue to the account

1 may include appropriations, revenues generated by the surcharge imposed
2 in RCW 62A.9A-525, federal funds, and any other gifts or grants.
3 Expenditures from the account may be used only to support the
4 activities of the financial fraud and identity theft crime
5 investigation and prosecution task forces and the program
6 administrative expenses of the (~~department~~) attorney general, which
7 may not exceed ten percent of the amount appropriated.

8 (4) For purposes of this section, "financial fraud and identity
9 theft crimes" includes those that involve: Check fraud, chronic
10 unlawful issuance of bank checks, embezzlement, credit/debit card
11 fraud, identity theft, forgery, counterfeit instruments such as checks
12 or documents, organized counterfeit check rings, and organized
13 identification theft rings.

14 **Sec. 124.** RCW 62A.9A-525 and 2008 c 290 s 2 are each amended to
15 read as follows:

16 (a) **Filing with department of licensing.** Except as otherwise
17 provided in subsection (b) or (e) of this section, the fee for filing
18 and indexing a record under this part is the fee set by department of
19 licensing rule pursuant to subsection (f) of this section. Without
20 limitation, different fees may be charged for:

21 (1) A record that is communicated in writing and consists of one or
22 two pages;

23 (2) A record that is communicated in writing and consists of more
24 than two pages, which fee may be a multiple of the fee described in (1)
25 of this subsection; and

26 (3) A record that is communicated by another medium authorized by
27 department of licensing rule, which fee may be a fraction of the fee
28 described in (1) of this subsection.

29 (b) **Filing with other filing offices.** Except as otherwise provided
30 in subsection (e) of this section, the fee for filing and indexing a
31 record under this part that is filed in a filing office described in
32 RCW 62A.9A-501(a)(1) is the fee that would otherwise be applicable to
33 the recording of a mortgage in that filing office, as set forth in RCW
34 36.18.010.

35 (c) **Number of names.** The number of names required to be indexed
36 does not affect the amount of the fee in subsections (a) and (b) of
37 this section.

1 (d) **Response to information request.** The fee for responding to a
2 request for information from a filing office, including for issuing a
3 certificate showing, or otherwise communicating, whether there is on
4 file any financing statement naming a particular debtor, is the fee set
5 by department of licensing rule pursuant to subsection (f) of this
6 section; provided however, if the request is to a filing office
7 described in RCW 62A.9A-501(a)(1) and that office charges a different
8 fee, then that different fee shall apply instead. Without limitation,
9 different fees may be charged:

10 (1) If the request is communicated in writing;

11 (2) If the request is communicated by another medium authorized by
12 filing-office rule; and

13 (3) If the request is for expedited service.

14 (e) **Record of mortgage.** This section does not require a fee with
15 respect to a record of a mortgage which is effective as a financing
16 statement filed as a fixture filing or as a financing statement
17 covering as-extracted collateral or timber to be cut under RCW
18 62A.9A-502(c). However, the recording and satisfaction fees that
19 otherwise would be applicable to the record of the mortgage apply.

20 (f) **Filing office rules.** (1) The department of licensing shall by
21 rule set the fees called for in this section for filing with, and
22 obtaining information from, the department of licensing. The director
23 shall set fees at a sufficient level to defray the costs of
24 administering the program. All receipts from fees collected under this
25 title, except fees for services covered under RCW 62A.9A-501(a)(1),
26 shall be deposited to the uniform commercial code fund in the state
27 treasury. Moneys in the fund may be spent only after appropriation and
28 may be used only to administer the uniform commercial code program.

29 (2) In addition to fees on filings authorized under this section,
30 the department of licensing shall impose a surcharge of eight dollars
31 per filing for paper filings and a surcharge of three dollars per
32 filing for electronic filings. The department shall deposit the
33 proceeds from these surcharges in the financial fraud and identity
34 theft crimes investigation and prosecution account created in RCW
35 43.330.300 (as recodified by this act).

36 (g) **Transition.** This section continues the fee-setting authority
37 conferred on the department of licensing by former RCW 62A.9-409 and

1 nothing herein shall invalidate fees set by the department of licensing
2 under the authority of former RCW 62A.9-409.

3 NEW SECTION. **Sec. 125.** RCW 43.330.300 is recodified as a section
4 in chapter 43.10 RCW.

5 **Community Mobilization Against Substance Abuse**

6 **Sec. 126.** RCW 43.270.020 and 2001 c 48 s 2 are each amended to
7 read as follows:

8 (1) There is established in the (~~department of community, trade,~~
9 ~~and economic development~~) office of the attorney general a grant
10 program to provide incentive for and support for communities to develop
11 targeted and coordinated strategies to reduce the incidence and impact
12 of alcohol, tobacco, or other drug abuse, or violence.

13 (2) The (~~department of community, trade, and economic~~
14 ~~development~~) attorney general shall make awards, subject to funds
15 appropriated by the legislature, under the following terms:

16 (a) Starting July 1, 2001, funds will be available to countywide
17 programs through a formula developed by the (~~department of community,~~
18 ~~trade, and economic development~~) attorney general in consultation with
19 program contractors, which will take into consideration county
20 population size.

21 (b) In order to be eligible for consideration, applicants must
22 demonstrate, at a minimum:

23 (i) That the community has developed and is committed to carrying
24 out a coordinated strategy of prevention, treatment, and law
25 enforcement activities;

26 (ii) That the community has considered research-based theory when
27 developing its strategy;

28 (iii) That proposals submitted for funding are based on a local
29 assessment of need and address specific objectives contained in a
30 coordinated strategy of prevention, treatment, and law enforcement
31 against alcohol, tobacco, or other drug abuse, or violence;

32 (iv) Evidence of active participation in preparation of the
33 proposal and specific commitments to implementing the community-wide
34 agenda by leadership from education, law enforcement, local government,
35 tribal government, and treatment entities in the community, and the

1 opportunity for meaningful involvement from others such as neighborhood
2 and citizen groups, businesses, human service, health and job training
3 organizations, and other key elements of the community, particularly
4 those whose responsibilities in law enforcement, treatment, prevention,
5 education, or other community efforts provide direct, ongoing contact
6 with substance abusers or those who exhibit violent behavior, or those
7 at risk for alcohol, tobacco, or other drug abuse, or violent behavior;

8 (v) Evidence of additional local resources committed to the
9 applicant's strategy totaling at least twenty-five percent of funds
10 awarded under this section. These resources may consist of public or
11 private funds, donated goods or services, and other measurable
12 commitments, including in-kind contributions such as volunteer
13 services, materials, supplies, physical facilities, or a combination
14 thereof; and

15 (vi) That the funds applied for, if received, will not be used to
16 replace funding for existing activities.

17 (c) At a minimum, grant applications must include the following:

18 (i) A definition of geographic area;

19 (ii) A needs assessment describing the extent and impact of
20 alcohol, tobacco, or other drug abuse, and violence in the community,
21 including an explanation of those who are most severely impacted and
22 those most at risk of substance abuse or violent behavior;

23 (iii) An explanation of the community-wide strategy for prevention,
24 treatment, and law enforcement activities related to alcohol, tobacco,
25 or other drug abuse, or violence, with particular attention to those
26 who are most severely impacted and/or those most at risk of alcohol,
27 tobacco, or other drug abuse, or violent behavior;

28 (iv) An explanation of who was involved in development of the
29 strategy and what specific commitments have been made to carry it out;

30 (v) Identification of existing prevention, education, treatment,
31 and law enforcement resources committed by the applicant, including
32 financial and other support, and an explanation of how the applicant's
33 strategy involves and builds on the efforts of existing organizations
34 or coalitions that have been carrying out community efforts against
35 alcohol, tobacco, or other drug abuse, or violence;

36 (vi) Identification of activities that address specific objectives
37 in the strategy for which additional resources are needed;

1 (vii) Identification of additional local resources, including
2 public or private funds, donated goods or services, and other
3 measurable commitments, that have been committed to the activities
4 identified in (c)(vi) of this subsection;

5 (viii) Identification of activities that address specific
6 objectives in the strategy for which funding is requested;

7 (ix) For each activity for which funding is requested, an
8 explanation in sufficient detail to demonstrate:

9 (A) Feasibility through deliberative design, specific objectives,
10 and a realistic plan for implementation;

11 (B) A rationale for how this activity will achieve measurable
12 results and how it will be evaluated;

13 (C) That funds requested are necessary and appropriate to
14 effectively carry out the activity; and

15 (x) Identification of a contracting agent meeting state
16 requirements for each activity proposed for funding.

17 Each contracting agent must execute a written agreement with its
18 local community mobilization advisory board that reflects the duties
19 and powers of each party.

20 (3) Activities that may be funded through this grant program
21 include those that:

22 (a) Prevent alcohol, tobacco, or other drug abuse, or violence
23 through educational efforts, development of positive alternatives,
24 intervention with high-risk groups, and other prevention strategies;

25 (b) Support effective treatment by increasing access to and
26 availability of treatment opportunities, particularly for underserved
27 or highly impacted populations, developing aftercare and support
28 mechanisms, and other strategies to increase the availability and
29 effectiveness of treatment;

30 (c) Provide meaningful consequences for participation in illegal
31 activity and promote safe and healthy communities through support of
32 law enforcement strategies;

33 (d) Create or build on efforts by existing community programs,
34 coordinate their efforts, and develop cooperative efforts or other
35 initiatives to make most effective use of resources to carry out the
36 community's strategy against alcohol, tobacco, or other drug abuse, or
37 violence; and

1 (e) Other activities that demonstrate both feasibility and a
2 rationale for how the activity will achieve measurable results in the
3 strategy against alcohol, tobacco, or other drug abuse, or violence.

4 **Sec. 127.** RCW 43.270.070 and 2001 c 48 s 3 are each amended to
5 read as follows:

6 The (~~department of community, trade, and economic development~~)
7 attorney general shall ask communities for suggestions on state
8 practices, policies, and priorities that would help communities
9 implement their strategies against alcohol, tobacco, or other drug
10 abuse, or violence. The (~~department of community, trade, and economic
11 development~~) attorney general shall review and respond to those
12 suggestions making necessary changes where feasible, making
13 recommendations to the legislature where appropriate, and providing an
14 explanation as to why suggested changes cannot be accomplished, if the
15 suggestions cannot be acted upon.

16 **Sec. 128.** RCW 43.270.080 and 2001 c 48 s 4 are each amended to
17 read as follows:

18 The (~~department of community, trade, and economic development~~)
19 attorney general may receive such gifts, grants, and endowments from
20 public or private sources as may be made from time to time, in trust or
21 otherwise, for the use and benefit of the purposes of RCW 43.270.010
22 through 43.270.080 and expend the same or any income therefrom
23 according to the terms of the gifts, grants, or endowments.

24 **PART 2**

25 **PROGRAMS TRANSFERRED FROM THE DEPARTMENT OF LABOR AND INDUSTRIES**

26 **Crime Victims' Compensation Program**

27 **Sec. 201.** RCW 7.68.015 and 1989 1st ex.s. c 5 s 1 are each amended
28 to read as follows:

29 The (~~department of labor and industries~~) attorney general shall
30 operate the crime victims' compensation program within the
31 appropriations and the conditions and limitations on the appropriations
32 provided for this program.

1 **Sec. 202.** RCW 7.68.020 and 2011 c 346 s 101 are each amended to
2 read as follows:

3 The following words and phrases as used in this chapter have the
4 meanings set forth in this section unless the context otherwise
5 requires.

6 (1) "Accredited school" means a school or course of instruction
7 which is:

8 (a) Approved by the state superintendent of public instruction, the
9 state board of education, or the state board for community and
10 technical colleges; or

11 (b) Regulated or licensed as to course content by any agency of the
12 state or under any occupational licensing act of the state, or
13 recognized by the apprenticeship council under an agreement registered
14 with the apprenticeship council pursuant to chapter 49.04 RCW.

15 (2) "Average monthly wage" means the average annual wage as
16 determined under RCW 50.04.355 as now or hereafter amended divided by
17 twelve.

18 (3) "Beneficiary" means a husband, wife, registered domestic
19 partner, or child of a victim in whom shall vest a right to receive
20 payment under this chapter, except that a husband or wife of an injured
21 victim, living separate and apart in a state of abandonment, regardless
22 of the party responsible therefor, for more than one year at the time
23 of the injury or subsequently, shall not be a beneficiary. A spouse
24 who has lived separate and apart from the other spouse for the period
25 of two years and who has not, during that time, received or attempted
26 by process of law to collect funds for maintenance, shall be deemed
27 living in a state of abandonment.

28 (4) "Child" means every natural born child, posthumous child,
29 stepchild, child legally adopted prior to the injury, child born after
30 the injury where conception occurred prior to the injury, and dependent
31 child in the legal custody and control of the victim, all while under
32 the age of eighteen years, or under the age of twenty-three years while
33 permanently enrolled as a full-time student in an accredited school,
34 and over the age of eighteen years if the child is a dependent as a
35 result of a physical, mental, or sensory handicap.

36 (5) "Criminal act" means an act committed or attempted in this
37 state which is: (a) Punishable as a federal offense that is comparable
38 to a felony or gross misdemeanor in this state; (b) punishable as a

1 felony or gross misdemeanor under the laws of this state; (c) an act
2 committed outside the state of Washington against a resident of the
3 state of Washington which would be compensable had it occurred inside
4 this state and the crime occurred in a state which does not have a
5 crime victims' compensation program, for which the victim is eligible
6 as set forth in the Washington compensation law; or (d) trafficking as
7 defined in RCW 9A.40.100. A "criminal act" does not include the
8 following:

9 (i) The operation of a motor vehicle, motorcycle, train, boat, or
10 aircraft in violation of law unless:

11 (A) The injury or death was intentionally inflicted;

12 (B) The operation thereof was part of the commission of another
13 nonvehicular criminal act as defined in this section;

14 (C) The death or injury was the result of the operation of a motor
15 vehicle after July 24, 1983, and a preponderance of the evidence
16 establishes that the death was the result of vehicular homicide under
17 RCW 46.61.520, or a conviction of vehicular assault under RCW
18 46.61.522, has been obtained. In cases where a probable criminal
19 defendant has died in perpetration of vehicular assault or, in cases
20 where the perpetrator of the vehicular assault is unascertainable
21 because he or she left the scene of the accident in violation of RCW
22 46.52.020 or, because of physical or mental infirmity or disability the
23 perpetrator is incapable of standing trial for vehicular assault, the
24 (~~department~~) attorney general may, by a preponderance of the
25 evidence, establish that a vehicular assault had been committed and
26 authorize benefits;

27 (D) The injury or death was caused by a driver in violation of RCW
28 46.61.502; or

29 (E) The injury or death was caused by a driver in violation of RCW
30 46.61.655(7)(a), failure to secure a load in the first degree;

31 (ii) Neither an acquittal in a criminal prosecution nor the absence
32 of any such prosecution is admissible in any claim or proceeding under
33 this chapter as evidence of the noncriminal character of the acts
34 giving rise to such claim or proceeding, except as provided for in
35 (d)(i)(C) of this subsection;

36 (iii) Evidence of a criminal conviction arising from acts which are
37 the basis for a claim or proceeding under this chapter is admissible in

1 such claim or proceeding for the limited purpose of proving the
2 criminal character of the acts; and

3 (iv) Acts which, but for the insanity or mental irresponsibility of
4 the perpetrator, would constitute criminal conduct are deemed to be
5 criminal conduct within the meaning of this chapter.

6 (6) (~~("Department" means the department of labor and industries.~~
7 ~~(7))~~) "Financial support for lost wages" means a partial
8 replacement of lost wages due to a temporary or permanent total
9 disability.

10 ((~~(8)~~)) (7) "Gainfully employed" means engaging on a regular and
11 continuous basis in a lawful activity from which a person derives a
12 livelihood.

13 ((~~(9)~~)) (8) "Injury" means a sudden and tangible happening, of a
14 traumatic nature, producing an immediate or prompt result, and
15 occurring from without, and such physical conditions as result
16 therefrom.

17 ((~~(10)~~)) (9) "Invalid" means one who is physically or mentally
18 incapacitated from earning wages.

19 ((~~(11)~~)) (10) "Permanent total disability" means loss of both legs,
20 or arms, or one leg and one arm, total loss of eyesight, paralysis, or
21 other condition permanently incapacitating the victim from performing
22 any work at any gainful occupation.

23 ((~~(12)~~)) (11) "Private insurance" means any source of recompense
24 provided by contract available as a result of the claimed injury or
25 death at the time of such injury or death, or which becomes available
26 any time thereafter.

27 ((~~(13)~~)) (12) "Public insurance" means any source of recompense
28 provided by statute, state or federal, available as a result of the
29 claimed injury or death at the time of such injury or death, or which
30 becomes available any time thereafter.

31 ((~~(14)~~)) (13) "Temporary total disability" means any condition that
32 temporarily incapacitates a victim from performing any type of gainful
33 employment as certified by the victim's attending physician.

34 ((~~(15)~~)) (14) "Victim" means a person who suffers bodily injury or
35 death as a proximate result of a criminal act of another person, the
36 victim's own good faith and reasonable effort to prevent a criminal
37 act, or his or her good faith effort to apprehend a person reasonably
38 suspected of engaging in a criminal act. For the purposes of receiving

1 benefits pursuant to this chapter, "victim" is interchangeable with
2 "employee" or "worker" as defined in chapter 51.08 RCW as now or
3 hereafter amended.

4 **Sec. 203.** RCW 7.68.030 and 2011 c 346 s 206 are each amended to
5 read as follows:

6 (1) It shall be the duty of the ((~~director~~)) attorney general to
7 establish and administer a program of benefits to innocent victims of
8 criminal acts within the terms and limitations of this chapter. The
9 ((~~director~~)) attorney general may apply for and, subject to
10 appropriation, expend federal funds under Public Law 98-473 and any
11 other federal program providing financial assistance to state crime
12 victim compensation programs. The federal funds shall be deposited in
13 the state general fund and may be expended only for purposes authorized
14 by applicable federal law.

15 (2) The ((~~director~~)) attorney general shall:

16 (a) Establish and adopt rules governing the administration of this
17 chapter in accordance with chapter 34.05 RCW;

18 (b) Regulate the proof of accident and extent thereof, the proof of
19 death, and the proof of relationship and the extent of dependency;

20 (c) Supervise the medical, surgical, and hospital treatment to the
21 intent that it may be in all cases efficient and up to the recognized
22 standard of modern surgery;

23 (d) Issue proper receipts for moneys received and certificates for
24 benefits accrued or accruing;

25 (e) Designate a medical director who is licensed under chapter
26 18.57 or 18.71 RCW;

27 (f) Supervise the providing of prompt and efficient care and
28 treatment, including care provided by physician assistants governed by
29 the provisions of chapters 18.57A and 18.71A RCW, acting under a
30 supervising physician, including chiropractic care, and including care
31 provided by licensed advanced registered nurse practitioners, to
32 victims at the least cost consistent with promptness and efficiency,
33 without discrimination or favoritism, and with as great uniformity as
34 the various and diverse surrounding circumstances and locations of
35 industries will permit and to that end shall, from time to time,
36 establish and adopt and supervise the administration of printed forms,
37 electronic communications, rules, ((~~regulations~~)) and practices for

1 the furnishing of such care and treatment. The medical coverage
2 decisions of the ((department)) office of the attorney general do not
3 constitute a "rule" as used in RCW 34.05.010(16), nor are such
4 decisions subject to the rule-making provisions of chapter 34.05 RCW
5 except that criteria for establishing medical coverage decisions shall
6 be adopted by rule. The ((department)) attorney general may recommend
7 to a victim particular health care services and providers where
8 specialized treatment is indicated or where cost-effective payment
9 levels or rates are obtained by the ((department)) attorney general,
10 and the ((department)) attorney general may enter into contracts for
11 goods and services including, but not limited to, durable medical
12 equipment so long as statewide access to quality service is maintained
13 for injured victims;

14 (g) In consultation with interested persons, establish and, in his
15 or her discretion, periodically change as may be necessary, and make
16 available a fee schedule of the maximum charges to be made by any
17 physician, surgeon, chiropractor, hospital, druggist, licensed advanced
18 registered nurse practitioner, and physician assistants as defined in
19 chapters 18.57A and 18.71A RCW, acting under a supervising physician or
20 other agency or person rendering services to victims. The
21 ((department)) attorney general shall coordinate with other state
22 purchasers of health care services to establish as much consistency and
23 uniformity in billing and coding practices as possible, taking into
24 account the unique requirements and differences between programs. No
25 service covered under this title, including services provided to
26 victims, whether aliens or other victims, who are not residing in the
27 United States at the time of receiving the services, shall be charged
28 or paid at a rate or rates exceeding those specified in such fee
29 schedule, and no contract providing for greater fees shall be valid as
30 to the excess. The establishment of such a schedule, exclusive of
31 conversion factors, does not constitute "agency action" as used in RCW
32 34.05.010(3), nor does such a fee schedule constitute a "rule" as used
33 in RCW 34.05.010(16);

34 (h) Make a record of the commencement of every disability and the
35 termination thereof and, when bills are rendered for the care and
36 treatment of injured victims, shall approve and pay those which conform
37 to the adopted rules, ((regulations,)) established fee schedules, and
38 practices of the ((director)) attorney general and may reject any bill

1 or item thereof incurred in violation of the principles laid down in
2 this section or the rules, (~~regulations,~~) or the established fee
3 schedules and rules (~~and regulations~~) adopted under it.

4 (3) The (~~director~~) attorney general and his or her authorized
5 assistants:

6 (a) Have power to issue subpoenas to enforce the attendance and
7 testimony of witnesses and the production and examination of books,
8 papers, photographs, tapes, and records before the (~~department~~)
9 attorney general in connection with any claim made to the
10 (~~department~~) attorney general or any billing submitted to the
11 (~~department~~) attorney general. The superior court has the power to
12 enforce any such subpoena by proper proceedings;

13 (b)(i) May apply for and obtain a superior court order approving
14 and authorizing a subpoena in advance of its issuance. The application
15 may be made in the county where the subpoenaed person resides or is
16 found, or the county where the subpoenaed records or documents are
17 located, or in Thurston county. The application must (A) state that an
18 order is sought pursuant to this subsection; (B) adequately specify the
19 records, documents, or testimony; and (C) declare under oath that an
20 investigation is being conducted for a lawfully authorized purpose
21 related to an investigation within the (~~department's~~) attorney
22 general's authority and that the subpoenaed documents or testimony are
23 reasonably related to an investigation within the (~~department's~~)
24 attorney general's authority.

25 (ii) Where the application under this subsection (3)(b) is made to
26 the satisfaction of the court, the court must issue an order approving
27 the subpoena. An order under this subsection constitutes authority of
28 law for the agency to subpoena the records or testimony.

29 (iii) The (~~director~~) attorney general and his or her authorized
30 assistants may seek approval and a court may issue an order under this
31 subsection without prior notice to any person, including the person to
32 whom the subpoena is directed and the person who is the subject of an
33 investigation.

34 (4) In all hearings, actions, or proceedings before the
35 (~~department~~) attorney general, any physician or licensed advanced
36 registered nurse practitioner having theretofore examined or treated
37 the claimant may be required to testify fully regarding such

1 examination or treatment, and shall not be exempt from so testifying by
2 reason of the relation of the physician or licensed advanced registered
3 nurse practitioner to the patient.

4 **Sec. 204.** RCW 7.68.031 and 2011 c 346 s 201 are each amended to
5 read as follows:

6 On all claims under this chapter, claimants' written or electronic
7 notices, orders, or warrants must be forwarded directly to the claimant
8 until such time as there has been entered an order on the claim
9 appealable to the ((~~department~~)) attorney general. Claimants' written
10 or electronic notices, orders, or warrants may be forwarded to the
11 claimant in care of a representative before an order has been entered
12 if the claimant sets forth in writing the name and address of the
13 representative to whom the claimant desires this information to be
14 forwarded.

15 **Sec. 205.** RCW 7.68.032 and 2011 c 346 s 202 are each amended to
16 read as follows:

17 The ((~~department~~)) attorney general may, at any time, on receipt of
18 written or electronic authorization, transmit amounts payable to a
19 claimant ((~~or~~)) to the account of such person in a bank or other
20 financial institution regulated by state or federal authority.

21 **Sec. 206.** RCW 7.68.033 and 2011 c 346 s 203 are each amended to
22 read as follows:

23 (1) Except as provided in RCW 43.20B.720, 72.09.111, 74.20A.260,
24 and 51.32.380, no money paid or payable under this chapter shall,
25 before the issuance and delivery of the check or warrant, or
26 disbursement of electronic funds or electronic payment, be assigned,
27 charged, or taken in execution, attached, garnished, or pass or be paid
28 to any other person by operation of law, any form of voluntary
29 assignment, or power of attorney. Any such assignment or charge is
30 void unless the transfer is to a financial institution at the request
31 of a victim or other beneficiary and made in accordance with RCW
32 7.68.034.

33 (2)(a) If any victim suffers an injury and dies from it before he
34 or she receives payment of any monthly installment covering financial
35 support for lost wages for any period of time before his or her death,

1 the amount of the monthly payment shall be paid to the surviving spouse
2 or the child or children if there is no surviving spouse. If there is
3 no surviving spouse and no child or children, the amount of the monthly
4 payment shall be paid by the ((department)) attorney general and
5 distributed consistent with the terms of the decedent's will or, if the
6 decedent dies intestate, consistent with the terms of RCW 11.04.015.

7 (b) Any application for compensation under this subsection (2)
8 shall be filed with the ((department)) attorney general within one year
9 of the date of death. The ((department)) attorney general may satisfy
10 its responsibilities under this subsection (2) by sending any payment
11 due in the name of the decedent and to the last known address of the
12 decedent.

13 (3) Any victim or beneficiary receiving benefits under this chapter
14 who is subsequently confined in, or who subsequently becomes eligible
15 for benefits under this chapter while confined in, any institution
16 under conviction and sentence shall have all payments of the
17 compensation canceled during the period of confinement. After
18 discharge from the institution, payment of benefits due afterward shall
19 be paid if the victim or beneficiary would, except for the provisions
20 of this subsection (3), otherwise be eligible for them.

21 **Sec. 207.** RCW 7.68.035 and 2011 c 336 s 246 are each amended to
22 read as follows:

23 (1)(a) When any person is found guilty in any superior court of
24 having committed a crime, except as provided in subsection (2) of this
25 section, there shall be imposed by the court upon such convicted person
26 a penalty assessment. The assessment shall be in addition to any other
27 penalty or fine imposed by law and shall be five hundred dollars for
28 each case or cause of action that includes one or more convictions of
29 a felony or gross misdemeanor and two hundred fifty dollars for any
30 case or cause of action that includes convictions of only one or more
31 misdemeanors.

32 (b) When any juvenile is adjudicated of any offense in any juvenile
33 offense disposition under Title 13 RCW, except as provided in
34 subsection (2) of this section, there shall be imposed upon the
35 juvenile offender a penalty assessment. The assessment shall be in
36 addition to any other penalty or fine imposed by law and shall be one
37 hundred dollars for each case or cause of action that includes one or

1 more adjudications for a felony or gross misdemeanor and seventy-five
2 dollars for each case or cause of action that includes adjudications of
3 only one or more misdemeanors.

4 (2) The assessment imposed by subsection (1) of this section shall
5 not apply to motor vehicle crimes defined in Title 46 RCW except those
6 defined in the following sections: RCW 46.61.520, 46.61.522,
7 46.61.024, 46.52.090, 46.70.140, 46.61.502, 46.61.504, 46.52.101,
8 46.20.410, 46.52.020, 46.10.495, 46.09.480, 46.61.5249, 46.61.525,
9 46.61.685, 46.61.530, 46.61.500, 46.61.015, 46.52.010, 46.44.180,
10 46.10.490(2), and 46.09.470(2).

11 (3) When any person accused of having committed a crime posts bail
12 in superior court pursuant to the provisions of chapter 10.19 RCW and
13 such bail is forfeited, there shall be deducted from the proceeds of
14 such forfeited bail a penalty assessment, in addition to any other
15 penalty or fine imposed by law, equal to the assessment which would be
16 applicable under subsection (1) of this section if the person had been
17 convicted of the crime.

18 (4) Such penalty assessments shall be paid by the clerk of the
19 superior court to the county treasurer who shall monthly transmit the
20 money as provided in RCW 10.82.070. Each county shall deposit fifty
21 percent of the money it receives per case or cause of action under
22 subsection (1) of this section and retains under RCW 10.82.070, not
23 less than one and seventy-five one-hundredths percent of the remaining
24 money it retains under RCW 10.82.070 and the money it retains under
25 chapter 3.62 RCW, and all money it receives under subsection (7) of
26 this section into a fund maintained exclusively for the support of
27 comprehensive programs to encourage and facilitate testimony by the
28 victims of crimes and witnesses to crimes. A program shall be
29 considered "comprehensive" only after approval of the ((department))
30 attorney general upon application by the county prosecuting attorney.
31 The ((department)) attorney general shall approve as comprehensive only
32 programs which:

33 (a) Provide comprehensive services to victims and witnesses of all
34 types of crime with particular emphasis on serious crimes against
35 persons and property. It is the intent of the legislature to make
36 funds available only to programs which do not restrict services to
37 victims or witnesses of a particular type or types of crime and that
38 such funds supplement, not supplant, existing local funding levels;

1 (b) Are administered by the county prosecuting attorney either
2 directly through the prosecuting attorney's office or by contract
3 between the county and agencies providing services to victims of crime;

4 (c) Make a reasonable effort to inform the known victim or his or
5 her surviving dependents of the existence of this chapter and the
6 procedure for making application for benefits;

7 (d) Assist victims in the restitution and adjudication process; and

8 (e) Assist victims of violent crimes in the preparation and
9 presentation of their claims to the ((~~department of labor and~~
10 ~~industries~~)) attorney general under this chapter.

11 Before a program in any county west of the Cascade mountains is
12 submitted to the ((~~department~~)) attorney general for approval, it shall
13 be submitted for review and comment to each city within the county with
14 a population of more than one hundred fifty thousand. The
15 ((~~department~~)) attorney general will consider if the county's proposed
16 comprehensive plan meets the needs of crime victims in cases
17 adjudicated in municipal, district or superior courts and of crime
18 victims located within the city and county.

19 (5) Upon submission to the ((~~department~~)) attorney general of a
20 letter of intent to adopt a comprehensive program, the prosecuting
21 attorney shall retain the money deposited by the county under
22 subsection (4) of this section until such time as the county
23 prosecuting attorney has obtained approval of a program from the
24 ((~~department~~)) attorney general. Approval of the comprehensive plan by
25 the ((~~department~~)) attorney general must be obtained within one year of
26 the date of the letter of intent to adopt a comprehensive program. The
27 county prosecuting attorney shall not make any expenditures from the
28 money deposited under subsection (4) of this section until approval of
29 a comprehensive plan by the ((~~department~~)) attorney general. If a
30 county prosecuting attorney has failed to obtain approval of a program
31 from the ((~~department~~)) attorney general under subsection (4) of this
32 section or failed to obtain approval of a comprehensive program within
33 one year after submission of a letter of intent under this section, the
34 county treasurer shall monthly transmit one hundred percent of the
35 money deposited by the county under subsection (4) of this section to
36 the state treasurer for deposit in the state general fund.

37 (6) County prosecuting attorneys are responsible to make every

1 reasonable effort to insure that the penalty assessments of this
2 chapter are imposed and collected.

3 (7) Every city and town shall transmit monthly one and seventy-five
4 one-hundredths percent of all money, other than money received for
5 parking infractions, retained under RCW 3.50.100 and 35.20.220 to the
6 county treasurer for deposit as provided in subsection (4) of this
7 section.

8 **Sec. 208.** RCW 7.68.045 and 2010 c 122 s 3 are each amended to read
9 as follows:

10 The crime victims' compensation account is created in the custody
11 of the state treasurer. Expenditures from the account may be used only
12 for the crime victims' compensation program under this chapter. Only
13 the ((director of the department or the director's)) attorney general
14 or the attorney general's designee may authorize expenditures from the
15 account. The account is subject to allotment procedures under chapter
16 43.88 RCW, but an appropriation is not required for expenditures.

17 **Sec. 209.** RCW 7.68.050 and 2011 c 346 s 704 and 2011 c 336 s 247
18 are each reenacted and amended to read as follows:

19 (1) No right of action at law for damages incurred as a consequence
20 of a criminal act shall be lost as a consequence of being entitled to
21 benefits under the provisions of this chapter. The victim or his or
22 her beneficiary may elect to seek damages from the person or persons
23 liable for the claimed injury or death, and such victim or beneficiary
24 is entitled to the full compensation and benefits provided by this
25 chapter regardless of any election or recovery made pursuant to this
26 section.

27 (2) For the purposes of this section, the rights, privileges,
28 responsibilities, duties, limitations, and procedures contained in
29 subsections (3) through (25) of this section apply.

30 (3)(a) If a third person is or may become liable to pay damages on
31 account of a victim's injury for which benefits and compensation are
32 provided under this chapter, the injured victim or beneficiary may
33 elect to seek damages from the third person.

34 (b) In every action brought under this section, the plaintiff shall
35 give notice to the ((department)) attorney general when the action is
36 filed. The ((department)) attorney general may file a notice of

1 statutory interest in recovery. When such notice has been filed by the
2 ((department)) attorney general, the parties shall thereafter serve
3 copies of all notices, motions, pleadings, and other process on the
4 ((department)) attorney general. The ((department)) attorney general
5 may then intervene as a party in the action to protect its statutory
6 interest in recovery.

7 (c) For the purposes of this subsection, "injury" includes any
8 physical or mental condition, disease, ailment, or loss, including
9 death, for which compensation and benefits are paid or payable under
10 this chapter.

11 (d) For the purposes of this chapter, "recovery" includes all
12 damages and insurance benefits, including life insurance, paid in
13 connection with the victim's injuries or death.

14 (4) An election not to proceed against the third person operates as
15 an assignment of the cause of action to the ((department)) attorney
16 general, which may prosecute or compromise the action in its discretion
17 in the name of the victim, beneficiary, or legal representative.

18 (5) If an injury to a victim results in the victim's death, the
19 ((department)) attorney general to which the cause of action has been
20 assigned may petition a court for the appointment of a special personal
21 representative for the limited purpose of maintaining an action under
22 this chapter and chapter 4.20 RCW.

23 (6) If a beneficiary is a minor child, an election not to proceed
24 against a third person on such beneficiary's cause of action may be
25 exercised by the beneficiary's legal custodian or guardian.

26 (7) Any recovery made by the ((department)) attorney general shall
27 be distributed as follows:

28 (a) The ((department)) attorney general shall be paid the expenses
29 incurred in making the recovery including reasonable costs of legal
30 services;

31 (b) The victim or beneficiary shall be paid twenty-five percent of
32 the balance of the recovery made, which shall not be subject to
33 subsection (8) of this section, except that in the event of a
34 compromise and settlement by the parties, the victim or beneficiary may
35 agree to a sum less than twenty-five percent;

36 (c) The ((department)) attorney general shall be paid the amount
37 paid to or on behalf of the victim or beneficiary by the ((department))
38 attorney general; and

1 (d) The victim or beneficiary shall be paid any remaining balance.

2 (8) Thereafter no payment shall be made to or on behalf of a victim
3 or beneficiary by the ((~~department~~)) attorney general for such injury
4 until any further amount payable shall equal any such remaining
5 balance. Thereafter, such benefits shall be paid by the ((~~department~~))
6 attorney general to or on behalf of the victim or beneficiary as though
7 no recovery had been made from a third person.

8 (9) If the victim or beneficiary elects to seek damages from the
9 third person, any recovery made shall be distributed as follows:

10 (a) The costs and reasonable attorneys' fees shall be paid
11 proportionately by the victim or beneficiary and the ((~~department~~))
12 attorney general. The ((~~department~~)) attorney general may require
13 court approval of costs and attorneys' fees or may petition a court for
14 determination of the reasonableness of costs and attorneys' fees;

15 (b) The victim or beneficiary shall be paid twenty-five percent of
16 the balance of the award, except that in the event of a compromise and
17 settlement by the parties, the victim or beneficiary may agree to a sum
18 less than twenty-five percent;

19 (c) The ((~~department~~)) attorney general shall be paid the balance
20 of the recovery made, but only to the extent necessary to reimburse the
21 ((~~department~~)) attorney general for the amount paid;

22 (i) The ((~~department~~)) attorney general shall bear its
23 proportionate share of the costs and reasonable attorneys' fees
24 incurred by the victim or beneficiary to the extent of the benefits
25 paid under this title. The ((~~department's~~)) attorney general's
26 proportionate share shall not exceed one hundred percent of the costs
27 and reasonable attorneys' fees;

28 (ii) The ((~~department's~~)) attorney general's proportionate share of
29 the costs and reasonable attorneys' fees shall be determined by
30 dividing the gross recovery amount into the benefits paid amount and
31 multiplying this percentage times the costs and reasonable attorneys'
32 fees incurred by the victim or beneficiary;

33 (iii) The ((~~department's~~)) attorney general's reimbursement share
34 shall be determined by subtracting their proportionate share of the
35 costs and reasonable attorneys' fees from the benefits paid amount;

36 (d) Any remaining balance shall be paid to the victim or
37 beneficiary; and

1 (e) Thereafter no payment shall be made to or on behalf of a victim
2 or beneficiary by the ((department)) attorney general for such injury
3 until the amount of any further amount payable shall equal any such
4 remaining balance minus the ((department's)) attorney general's
5 proportionate share of the costs and reasonable attorneys' fees in
6 regards to the remaining balance. This proportionate share shall be
7 determined by dividing the gross recovery amount into the remaining
8 balance amount and multiplying this percentage times the costs and
9 reasonable attorneys' fees incurred by the victim or beneficiary.
10 Thereafter, such benefits shall be paid by the ((department)) attorney
11 general to or on behalf of the victim or beneficiary as though no
12 recovery had been made from a third person.

13 (10) The recovery made shall be subject to a lien by the
14 ((department)) attorney general for its share under this section.
15 Notwithstanding RCW 48.18.410, a recovery made from life insurance
16 shall be subject to a lien by the ((department)) attorney general.

17 (11) The ((department)) attorney general has sole discretion to
18 compromise the amount of its lien. In deciding whether or to what
19 extent to compromise its lien, the ((department)) attorney general
20 shall consider at least the following:

21 (a) The likelihood of collection of the award or settlement as may
22 be affected by insurance coverage, solvency, or other factors relating
23 to the third person;

24 (b) Factual and legal issues of liability as between the victim or
25 beneficiary and the third person. Such issues include but are not
26 limited to possible contributory negligence and novel theories of
27 liability; and

28 (c) Problems of proof faced in obtaining the award or settlement.

29 (12) It shall be the duty of the person to whom any recovery is
30 paid before distribution under this section to advise the
31 ((department)) attorney general of the fact and amount of such
32 recovery, the costs and reasonable attorneys' fees associated with the
33 recovery, and to distribute the recovery in compliance with this
34 section.

35 (13) The distribution of any recovery made by award or settlement
36 of the third party action shall be confirmed by ((department)) attorney
37 general order, served by electronic, registered or certified mail, and
38 shall be subject to chapter 51.52 RCW. In the event the order of

1 distribution becomes final under chapter 51.52 RCW, the (~~director or~~
2 ~~the director's~~) attorney general or the attorney general's designee
3 may file with the clerk of any county within the state a warrant in the
4 amount of the sum representing the unpaid lien plus interest accruing
5 from the date the order became final. The clerk of the county in which
6 the warrant is filed shall immediately designate a superior court cause
7 number for such warrant and the clerk shall cause to be entered in the
8 judgment docket under the superior court cause number assigned to the
9 warrant, the name of such victim or beneficiary mentioned in the
10 warrant, the amount of the unpaid lien plus interest accrued and the
11 date when the warrant was filed. The amount of such warrant as
12 docketed shall become a lien upon the title to and interest in all real
13 and personal property of the victim or beneficiary against whom the
14 warrant is issued, the same as a judgment in a civil case docketed in
15 the office of such clerk. The sheriff shall then proceed in the same
16 manner and with like effect as prescribed by law with respect to
17 execution or other process issued against rights or property upon
18 judgment in the superior court. Such warrant so docketed shall be
19 sufficient to support the issuance of writs of garnishment in favor of
20 the (~~department~~) attorney general in the manner provided by law in
21 the case of judgment, wholly or partially unsatisfied. The clerk of
22 the court shall be entitled to a filing fee under RCW 36.18.012(10),
23 which shall be added to the amount of the warrant. A copy of such
24 warrant shall be mailed to the victim or beneficiary within three days
25 of filing with the clerk.

26 (14) The (~~director, or the director's~~) attorney general or the
27 attorney general's designee, may issue to any person, firm,
28 corporation, municipal corporation, political subdivision of the state,
29 public corporation, or agency of the state, a notice and order to
30 withhold and deliver property of any kind if he or she has reason to
31 believe that there is in the possession of such person, firm,
32 corporation, municipal corporation, political subdivision of the state,
33 public corporation, or agency of the state, property which is due,
34 owing, or belonging to any victim or beneficiary upon whom a warrant
35 has been served by the (~~department~~) attorney general for payments due
36 to the crime victims' compensation program. The notice and order to
37 withhold and deliver shall be served by the sheriff of the county or by
38 the sheriff's deputy; by certified mail, return receipt requested; or

1 by any authorized representatives of the ((~~director~~)) attorney general.
2 Any person, firm, corporation, municipal corporation, political
3 subdivision of the state, public corporation, or agency of the state
4 upon whom service has been made shall answer the notice within twenty
5 days exclusive of the day of service, under oath and in writing, and
6 shall make true answers to the matters inquired of in the notice and
7 order to withhold and deliver. In the event there is in the possession
8 of the party named and served with such notice and order, any property
9 which may be subject to the claim of the ((~~department~~)) attorney
10 general, such property shall be delivered forthwith to the ((~~director~~
11 ~~or the director's~~)) attorney general or the attorney general's
12 authorized representative upon demand. If the party served and named
13 in the notice and order fails to answer the notice and order within the
14 time prescribed in this section, the court may, after the time to
15 answer such order has expired, render judgment by default against the
16 party named in the notice for the full amount claimed by the
17 ((~~director~~)) attorney general in the notice together with costs. In
18 the event that a notice to withhold and deliver is served upon an
19 employer and the property found to be subject thereto is wages, the
20 employer may assert in the answer to all exemptions provided for by
21 chapter 6.27 RCW to which the wage earner may be entitled.

22 (15) The ((~~department~~)) attorney general may require the victim or
23 beneficiary to exercise the right of election under this chapter by
24 serving a written demand by electronic mail, registered mail, certified
25 mail, or personal service on the victim or beneficiary.

26 (16) Unless an election is made within sixty days of the receipt of
27 the demand, and unless an action is instituted or settled within the
28 time granted by the ((~~department~~)) attorney general, the victim or
29 beneficiary is deemed to have assigned the action to the ((~~department~~))
30 attorney general. The ((~~department~~)) attorney general shall allow the
31 victim or beneficiary at least ninety days from the election to
32 institute or settle the action. When a beneficiary is a minor child
33 the demand shall be served upon the legal custodian or guardian of such
34 beneficiary.

35 (17) If an action which has been filed is not diligently
36 prosecuted, the ((~~department~~)) attorney general may petition the court
37 in which the action is pending for an order assigning the cause of

1 action to the ((department)) attorney general. Upon a sufficient
2 showing of a lack of diligent prosecution the court in its discretion
3 may issue the order.

4 (18) If the ((department)) attorney general has taken an assignment
5 of the third party cause of action under subsection (16) of this
6 section, the victim or beneficiary may, at the discretion of the
7 ((department)) attorney general, exercise a right of reelection and
8 assume the cause of action subject to reimbursement of litigation
9 expenses incurred by the ((department)) attorney general.

10 (19) If the victim or beneficiary elects to seek damages from the
11 third person, notice of the election must be given to the
12 ((department)) attorney general. The notice shall be by registered
13 mail, certified mail, or personal service. If an action is filed by
14 the victim or beneficiary, a copy of the complaint must be sent by
15 registered mail to the ((department)) attorney general.

16 (20) A return showing service of the notice on the ((department))
17 attorney general shall be filed with the court but shall not be part of
18 the record except as necessary to give notice to the defendant of the
19 lien imposed by subsection (10) of this section.

20 (21) Any compromise or settlement of the third party cause of
21 action by the victim or beneficiary which results in less than the
22 entitlement under this title is void unless made with the written
23 approval of the ((department)) attorney general. For the purposes of
24 this chapter, "entitlement" means benefits and compensation paid and
25 estimated by the ((department)) attorney general to be paid in the
26 future.

27 (22) If a compromise or settlement is void because of subsection
28 (21) of this section, the ((department)) attorney general may petition
29 the court in which the action was filed for an order assigning the
30 cause of action to the ((department)) attorney general. If an action
31 has not been filed, the ((department)) attorney general may proceed as
32 provided in chapter 7.24 RCW.

33 (23) The fact that the victim or beneficiary is entitled to
34 compensation under this title shall not be pleaded or admissible in
35 evidence in any third-party action under this chapter. Any challenge
36 of the right to bring such action shall be made by supplemental
37 pleadings only and shall be decided by the court as a matter of law.

1 (24) Actions against third persons that are assigned by the
2 claimant to the (~~department~~) attorney general, voluntarily or by
3 operation of law in accordance with this chapter, may be prosecuted by
4 special assistant attorneys general.

5 (25) The attorney general shall select special assistant attorneys
6 general from a list compiled by the (~~department~~) office of the
7 attorney general and the Washington state bar association. The
8 attorney general(~~(, in conjunction with the department)~~) and the
9 Washington state bar association, shall adopt rules (~~(and regulations)~~)
10 outlining the criteria and the procedure by which private attorneys may
11 have their names placed on the list of attorneys available for
12 appointment as special assistant attorneys general to litigate third-
13 party actions under subsection (24) of this section.

14 (26) The 1980 amendments to this section apply only to injuries
15 which occur on or after April 1, 1980.

16 **Sec. 210.** RCW 7.68.060 and 2011 c 346 s 301 are each amended to
17 read as follows:

18 (1) Except for applications received pursuant to subsection (6) of
19 this section, no compensation of any kind shall be available under this
20 chapter if:

21 (a) An application for benefits is not received by the
22 (~~department~~) attorney general within two years after the date the
23 criminal act was reported to a local police department or sheriff's
24 office or the date the rights of beneficiaries accrued, unless the
25 (~~director~~) attorney general has determined that "good cause" exists
26 to expand the time permitted to receive the application. "Good cause"
27 shall be determined by the (~~department~~) attorney general on a case-
28 by-case basis and may extend the period of time in which an application
29 can be received for up to five years after the date the criminal act
30 was reported to a local police department or sheriff's office or the
31 date the rights of beneficiaries accrued; or

32 (b) The criminal act is not reported by the victim or someone on
33 his or her behalf to a local police department or sheriff's office
34 within twelve months of its occurrence or, if it could not reasonably
35 have been reported within that period, within twelve months of the time
36 when a report could reasonably have been made. In making

1 determinations as to reasonable time limits, the ((department))
2 attorney general shall give greatest weight to the needs of the
3 victims.

4 (2) No person or spouse, child, or dependent of such person is
5 eligible for benefits under this chapter when the injury for which
6 benefits are sought, was:

7 (a) The result of consent, provocation, or incitement by the
8 victim, unless an injury resulting from a criminal act caused the death
9 of the victim;

10 (b) Sustained while the crime victim was engaged in the attempt to
11 commit, or the commission of, a felony; or

12 (c) Sustained while the victim was confined in any county or city
13 jail, federal jail or prison or in any other federal institution, or
14 any state correctional institution maintained and operated by the
15 department of social and health services or the department of
16 corrections, prior to release from lawful custody; or confined or
17 living in any other institution maintained and operated by the
18 department of social and health services or the department of
19 corrections.

20 (3) No person or spouse, child, or dependent of such person is
21 eligible for benefits under this chapter where the person making a
22 claim for such benefits has refused to give reasonable cooperation to
23 state or local law enforcement agencies in their efforts to apprehend
24 and convict the perpetrator of the criminal act which gave rise to the
25 claim.

26 (4) A victim is not eligible for benefits under this chapter if he
27 or she:

28 (a) Has been convicted of a felony offense within five years
29 preceding the criminal act for which they are applying where the felony
30 offense is a violent offense under RCW 9.94A.030 or a crime against
31 persons under RCW 9.94A.411, or is convicted of such a felony offense
32 after the criminal act for which they are applying; and

33 (b) Has not completely satisfied all legal financial obligations
34 owed.

35 (5) Because victims of childhood criminal acts may repress
36 conscious memory of such criminal acts far beyond the age of eighteen,
37 the rights of adult victims of childhood criminal acts shall accrue at
38 the time the victim discovers or reasonably should have discovered the

1 elements of the crime. In making determinations as to reasonable time
2 limits, the ((department)) attorney general shall give greatest weight
3 to the needs of the victim.

4 (6)(a) Benefits under this chapter are available to any victim of
5 a person against whom the state initiates proceedings under chapter
6 71.09 RCW. The right created under this subsection shall accrue when
7 the victim is notified of proceedings under chapter 71.09 RCW or the
8 victim is interviewed, deposed, or testifies as a witness in connection
9 with the proceedings. An application for benefits under this
10 subsection must be received by the ((department)) attorney general
11 within two years after the date the victim's right accrued unless the
12 ((director)) attorney general determines that good cause exists to
13 expand the time to receive the application. The ((director)) attorney
14 general shall determine "good cause" on a case-by-case basis and may
15 extend the period of time in which an application can be received for
16 up to five years after the date the right of the victim accrued.
17 Benefits under this subsection shall be limited to compensation for
18 costs or losses incurred on or after the date the victim's right
19 accrues for a claim allowed under this subsection.

20 (b) A person identified as the "minor" in the charge of commercial
21 sexual abuse of a minor under RCW 9.68A.100, promoting commercial
22 sexual abuse of a minor under RCW 9.68A.101, or promoting travel for
23 commercial sexual abuse of a minor under RCW 9.68A.102 is considered a
24 victim of a criminal act for the purpose of the right to benefits under
25 this chapter even if the person is also charged with prostitution under
26 RCW 9A.88.030.

27 **Sec. 211.** RCW 7.68.070 and 2011 c 346 s 401 are each amended to
28 read as follows:

29 The eligibility for benefits under this chapter and the amount
30 thereof will be governed insofar as is applicable by the provisions
31 contained in this chapter.

32 (1) Each victim injured as a result of a criminal act, including
33 criminal acts committed between July 1, 1981, and January 1, 1983, or
34 the victim's family or beneficiary in case of death of the victim, are
35 eligible for benefits in accordance with this chapter, subject to the
36 limitations under RCW 7.68.015. No more than fifty thousand dollars
37 shall be paid in total per claim, of which nonmedical benefits shall

1 not exceed forty thousand dollars of the entire claim. Benefits may
2 include a combination of burial expenses, financial support for lost
3 wages, and medical expenses.

4 (a) Benefits payable for temporary total disability that results in
5 financial support for lost wages shall not exceed fifteen thousand
6 dollars.

7 (b) Benefits payable for a permanent total disability or fatality
8 that results in financial support for lost wages shall not exceed forty
9 thousand dollars. After at least twelve monthly payments have been
10 paid, the ((department)) attorney general shall have the sole
11 discretion to make a final lump sum payment of the balance remaining.

12 (c) Benefits for disposition of remains or burial expenses shall
13 not exceed five thousand seven hundred fifty dollars per claim.

14 (2) If the victim was not gainfully employed at the time of the
15 criminal act, no financial support for lost wages will be paid to the
16 victim or any beneficiaries.

17 (3) No victim or beneficiary shall receive compensation for or
18 during the day on which the injury was received.

19 (4) If a victim's employer continues to pay the victim's wages that
20 he or she was earning at the time of the crime, the victim shall not
21 receive any financial support for lost wages.

22 (5) When the ((director)) attorney general determines that a
23 temporary total disability results in a loss of wages, the victim shall
24 receive monthly subject to subsection (1) of this section, during the
25 period of disability, sixty percent of the victim's monthly wage but no
26 more than one hundred percent of the state's average monthly wage as
27 defined in RCW 7.68.020. The minimum monthly payment shall be no less
28 than five hundred dollars. Monthly wages shall be based upon employer
29 wage statements, employment security records, or documents reported to
30 and certified by the internal revenue service. Monthly wages must be
31 determined using the actual documented monthly wage or averaging the
32 total wages earned for up to twelve successive calendar months
33 preceding the injury. In cases where the victim's wages and hours are
34 fixed, they shall be determined by multiplying the daily wage the
35 victim was receiving at the time of the injury:

- 36 (a) By five, if the victim was normally employed one day a week;
- 37 (b) By nine, if the victim was normally employed two days a week;

- 1 (c) By thirteen, if the victim was normally employed three days a
2 week;
- 3 (d) By eighteen, if the victim was normally employed four days a
4 week;
- 5 (e) By twenty-two, if the victim was normally employed five days a
6 week;
- 7 (f) By twenty-six, if the victim was normally employed six days a
8 week; or
- 9 (g) By thirty, if the victim was normally employed seven days a
10 week.
- 11 (6) When the ((~~director~~)) attorney general determines that a
12 permanent total disability or death results in a loss of wages, the
13 victim or eligible spouse shall receive the monthly payments
14 established in this subsection, not to exceed forty thousand dollars or
15 the limits established in this chapter.
- 16 (7) If the ((~~director~~)) attorney general determines that the victim
17 is voluntarily retired and is no longer attached to the workforce,
18 benefits shall not be paid under this section.
- 19 (8) In the case of death, if there is no eligible spouse, benefits
20 shall be paid to the child or children of the deceased victim. If
21 there is no spouse or children, no payments shall be made under this
22 section. If the spouse remarries before this benefit is paid in full
23 benefits shall be paid to the victim's child or children and the spouse
24 shall not receive further payment. If there is no child or children no
25 further payments will be made.
- 26 (9) The benefits for disposition of remains or burial expenses
27 shall not exceed five thousand seven hundred fifty dollars per claim
28 and to receive reimbursement for expenses related to the disposition of
29 remains or burial, the ((~~department~~)) attorney general must receive an
30 itemized statement from a provider of services within twelve months of
31 the date upon which the death of the victim is officially recognized as
32 a homicide. If there is a delay in the recovery of remains or the
33 release of remains for disposition or burial, an itemized statement
34 from a provider of services must be received within twelve months of
35 the date of the release of the remains.
- 36 (10) Any person who is responsible for the victim's injuries, or
37 who would otherwise be unjustly enriched as a result of the victim's
38 injuries, shall not be a beneficiary under this chapter.

1 (11) Crime victims' compensation is not available to pay for
2 services covered under chapter 74.09 RCW or Title XIX of the federal
3 social security act.

4 (12) A victim whose crime occurred in another state who qualifies
5 for benefits under RCW 7.68.060(6) may receive appropriate mental
6 health counseling to address distress arising from participation in the
7 civil commitment proceedings. Fees for counseling shall be determined
8 by the ((~~department~~)) attorney general in accordance with RCW
9 51.04.030, subject to the limitations of RCW 7.68.080.

10 (13) If the provisions of this title relative to compensation for
11 injuries to or death of victims become invalid because of any
12 adjudication, or are repealed, the period intervening between the
13 occurrence of an injury or death, not previously compensated for under
14 this title by lump payment or completed monthly payments, and such
15 repeal or the rendition of the final adjudication of invalidity shall
16 not be computed as a part of the time limited by law for the
17 commencement of any action relating to such injury or death.

18 (14) The benefits established in RCW 51.32.080 for permanent
19 partial disability will not be provided to any crime victim or for any
20 claim submitted on or after July 1, 2011.

21 **Sec. 212.** RCW 7.68.071 and 2011 c 346 s 403 are each amended to
22 read as follows:

23 (1) Benefits for permanent total disability shall be determined
24 under the ((~~director's~~)) attorney general's supervision, only after the
25 injured victim's condition becomes fixed.

26 (2) All determinations of permanent total disabilities shall be
27 made by the ((~~department~~)) attorney general. The victim may make a
28 request or the inquiry may be initiated by the ((~~director~~)) attorney
29 general. Determinations shall be required in every instance where
30 permanent total disability is likely to be present.

31 (3) A request for determination of permanent total disability shall
32 be examined by the ((~~department~~)) attorney general, and the
33 ((~~department~~)) attorney general shall issue an order in accordance with
34 RCW 51.52.050.

35 **Sec. 213.** RCW 7.68.072 and 2011 c 346 s 404 are each amended to
36 read as follows:

1 (1) If aggravation, diminution, or termination of disability takes
2 place, the ((~~director~~)) attorney general may, upon the application of
3 the beneficiary, made within seven years from the date the first
4 closing order becomes final, or at any time upon his or her own motion,
5 readjust the rate of compensation in accordance with the rules in this
6 section provided for the same, or in a proper case terminate the
7 payment. The ((~~director~~)) attorney general may, upon application of
8 the victim made at any time, provide proper and necessary medical and
9 surgical services as authorized under RCW 7.68.095.

10 (2) "Closing order" as used in this section means an order based on
11 factors which include medical recommendation, advice, examination, or
12 the maximum benefit has been met.

13 **Sec. 214.** RCW 7.68.073 and 2011 c 346 s 405 are each amended to
14 read as follows:

15 (1) For persons receiving compensation for temporary total
16 disability pursuant to the provisions of this chapter, such
17 compensation shall be reduced by an amount equal to the benefits
18 payable under the federal old-age, survivors, and disability insurance
19 act as now or hereafter amended not to exceed the amount of the
20 reduction established pursuant to 42 U.S.C. Sec. 424a. However, such
21 reduction shall not apply when the combined compensation provided
22 pursuant to this chapter and the federal old-age, survivors, and
23 disability insurance act is less than the total benefits to which the
24 federal reduction would apply, pursuant to 42 U.S.C. 424a. Where any
25 person described in this section refuses to authorize the release of
26 information concerning the amount of benefits payable under said
27 federal act the ((~~department's~~)) attorney general's estimate of said
28 amount shall be deemed to be correct unless and until the actual amount
29 is established and no adjustment shall be made for any period of time
30 covered by any such refusal.

31 (2) Any reduction under subsection (1) of this section shall be
32 effective the month following the month in which the ((~~department~~))
33 attorney general is notified by the federal social security
34 administration that the person is receiving disability benefits under
35 the federal old-age, survivors, and disability insurance act. In the
36 event of an overpayment of benefits, the ((~~department~~)) attorney
37 general may not recover more than the overpayments for the six months

1 immediately preceding the date on which the ((~~department~~)) attorney
2 general notifies the victim that an overpayment has occurred. Upon
3 determining that there has been an overpayment, the ((~~department~~))
4 attorney general shall immediately notify the person who received the
5 overpayment that he or she shall be required to make repayment pursuant
6 to this section and RCW 7.68.126.

7 (3) Recovery of any overpayment must be taken from future temporary
8 or permanent total disability benefits or permanent partial disability
9 benefits provided by this chapter. In the case of temporary or
10 permanent total disability benefits, the recovery shall not exceed
11 twenty-five percent of the monthly amount due from the ((~~department~~))
12 attorney general or one-sixth of the total overpayment, whichever is
13 the lesser.

14 (4) No reduction may be made unless the victim receives notice of
15 the reduction prior to the month in which the reduction is made.

16 (5) In no event shall the reduction reduce total benefits to less
17 than the greater amount the victim may be eligible under this chapter
18 or the federal old-age, survivors, and disability insurance act.

19 (6) The ((~~director~~)) attorney general, pursuant to rules adopted in
20 accordance with the procedures provided in the administrative procedure
21 act, chapter 34.05 RCW, may exercise his or her discretion to waive, in
22 whole or in part, the amount of any overpayment where the recovery
23 would be against equity and good conscience.

24 (7) Subsection (1) of this section applies to:

25 (a) Victims under the age of sixty-two whose effective entitlement
26 to total disability compensation begins before January 2, 1983;

27 (b) Victims under the age of sixty-five whose effective entitlement
28 to total disability compensation begins after January 1, 1983; and

29 (c) Victims who will become sixty-five years of age on or after
30 June 10, 2004.

31 (8)(a) If the federal social security administration makes a
32 retroactive reduction in the federal social security disability benefit
33 entitlement of a victim for periods of temporary total, temporary
34 partial, or total permanent disability for which the ((~~department~~))
35 attorney general also reduced the victim's benefit amounts under this
36 section, the ((~~department~~)) attorney general shall make adjustments in
37 the calculation of benefits and pay the additional benefits to the
38 victim as appropriate. However, the ((~~department~~)) attorney general

1 shall not make changes in the calculation or pay additional benefits
2 unless the victim submits a written request, along with documentation
3 satisfactory to the ((~~director~~)) attorney general of an overpayment
4 assessment by the social security administration, to the ((~~department~~))
5 attorney general.

6 (b) Additional benefits paid under this subsection:

7 (i) Are paid without interest and without regard to whether the
8 victim's claim under this chapter is closed; and

9 (ii) Do not affect the status or the date of the claim's closure.

10 (c) This subsection does not apply to requests on claims for which
11 a determination on the request has been made and is not subject to
12 further appeal.

13 **Sec. 215.** RCW 7.68.075 and 2011 c 346 s 207 are each amended to
14 read as follows:

15 Under this chapter, the marital status of all victims shall be
16 deemed to be fixed as of the date of the criminal act. All references
17 to the child or children living or conceived of the victim in this
18 chapter shall be deemed to refer to such child or children as of the
19 date of the criminal act unless the context clearly indicates the
20 contrary.

21 Payments for or on account of any such child or children shall
22 cease when such child is no longer a "child" or on the death of any
23 such child whichever occurs first.

24 Payments to the victim or surviving spouse for or on account of any
25 such child or children shall be made only when the victim or surviving
26 spouse has legal custody of any such child or children. Where the
27 victim or surviving spouse does not have such legal custody any
28 payments for or on account of any such child or children shall be made
29 to the person having legal custody of such child or children and the
30 amount of payments shall be subtracted from the payments which would
31 have been due the victim or surviving spouse had legal custody not been
32 transferred to another person. It shall be the duty of any person or
33 persons receiving payments because of legal custody of any child to
34 immediately notify the ((~~department~~)) attorney general of any change in
35 such legal custody.

1 **Sec. 216.** RCW 7.68.076 and 2011 c 346 s 407 are each amended to
2 read as follows:

3 A beneficiary shall at all times furnish the ((~~department~~))
4 attorney general with proof satisfactory to the ((~~director~~)) attorney
5 general of the nature, amount, and extent of the contribution made by
6 the deceased victim.

7 **Sec. 217.** RCW 7.68.077 and 2011 c 346 s 306 are each amended to
8 read as follows:

9 Except as otherwise provided by treaty or this chapter, whenever
10 compensation is payable to a beneficiary who is an alien not residing
11 in the United States, the ((~~department~~)) attorney general shall pay the
12 compensation to which a resident beneficiary is eligible under this
13 chapter. But if a nonresident alien beneficiary is a citizen of a
14 government having a compensation law which excludes citizens of the
15 United States, either resident or nonresident, from partaking of the
16 benefit of such law in as favorable a degree as herein extended to
17 nonresident aliens, he or she shall receive no compensation. No
18 payment shall be made to any beneficiary residing in any country with
19 which the United States does not maintain diplomatic relations when
20 such payment is due.

21 **Sec. 218.** RCW 7.68.080 and 2011 1st sp.s. c 15 s 69 and 2011 c 346
22 s 501 are each reenacted and amended to read as follows:

23 (1) When the injury to any victim is so serious as to require the
24 victim's being taken from the place of injury to a place of treatment,
25 reasonable transportation costs to the nearest place of proper
26 treatment shall be reimbursed by the ((~~department~~)) attorney general as
27 part of the victim's total claim under RCW 7.68.070(1).

28 (2) In the case of alleged rape or molestation of a child, the
29 reasonable costs of a colposcopy examination shall be reimbursed by the
30 ((~~department~~)) attorney general. Costs for a colposcopy examination
31 given under this subsection shall not be included as part of the
32 victim's total claim under RCW 7.68.070(1).

33 (3) The ((~~director~~)) attorney general shall adopt rules for fees
34 and charges for hospital, clinic, medical, and other health care
35 services, including fees and costs for durable medical equipment, eye
36 glasses, hearing aids, and other medically necessary devices for crime

1 victims under this chapter. The ((~~director~~)) attorney general shall
2 set these service levels and fees at a level no lower than those
3 established by the health care authority under Title 74 RCW. In
4 establishing fees for medical and other health care services, the
5 ((~~director~~)) attorney general shall consider the ((~~director's~~))
6 attorney general's duty to purchase health care in a prudent, cost-
7 effective manner. The ((~~director~~)) attorney general shall establish
8 rules adopted in accordance with chapter 34.05 RCW. Nothing in this
9 chapter may be construed to require the payment of interest on any
10 billing, fee, or charge.

11 (4) Whenever the ((~~director~~)) attorney general deems it necessary
12 in order to resolve any medical issue, a victim shall submit to
13 examination by a physician or physicians selected by the ((~~director~~))
14 attorney general, with the rendition of a report to the person ordering
15 the examination. The ((~~department~~)) attorney general shall provide the
16 physician performing an examination with all relevant medical records
17 from the victim's claim file. The ((~~director~~)) attorney general, in
18 his or her discretion, may charge the cost of such examination or
19 examinations to the crime victims' compensation fund. If the
20 examination is paid for by the victim, then the cost of said
21 examination shall be reimbursed to the victim for reasonable costs
22 connected with the examination as part of the victim's total claim
23 under RCW 7.68.070(1).

24 (5) Victims of sexual assault are eligible to receive appropriate
25 counseling. Fees for such counseling shall be determined by the
26 ((~~department~~)) attorney general. Counseling services may include, if
27 determined appropriate by the ((~~department~~)) attorney general,
28 counseling of members of the victim's immediate family, other than the
29 perpetrator of the assault.

30 (6) Immediate family members of a homicide victim may receive
31 appropriate counseling to assist in dealing with the immediate,
32 near-term consequences of the related effects of the homicide. Up to
33 twelve counseling sessions may be received for one year after the crime
34 victim's claim has been allowed. Fees for counseling shall be
35 determined by the ((~~department~~)) attorney general in accordance with
36 and subject to this section. Payment of counseling benefits under this
37 section may not be provided to the perpetrator of the homicide. The

1 benefits under this subsection may be provided only with respect to
2 homicides committed on or after July 1, 1992.

3 (7) Pursuant to RCW 7.68.070(12), a victim of a sex offense that
4 occurred outside of Washington may be eligible to receive mental health
5 counseling related to participation in proceedings to civilly commit a
6 perpetrator.

7 (8) The crime victims' compensation program shall consider payment
8 of benefits solely for the effects of the criminal act.

9 (9) The legislature finds and declares it to be in the public
10 interest of the state of Washington that a proper regulatory and
11 inspection program be instituted in connection with the provision of
12 any services provided to crime victims pursuant to this chapter. In
13 order to effectively accomplish such purpose and to assure that the
14 victim receives such services as are paid for by the state of
15 Washington, the acceptance by the victim of such services, and the
16 request by a provider of services for reimbursement for providing such
17 services, shall authorize the (~~director of the department or the~~
18 ~~director's~~) attorney general or the attorney general's authorized
19 representative to inspect and audit all records in connection with the
20 provision of such services. In the conduct of such audits or
21 investigations, the (~~director or the director's~~) attorney general or
22 the attorney general's authorized representatives may:

23 (a) Examine all records, or portions thereof, including patient
24 records, for which services were rendered by a health care provider and
25 reimbursed by the (~~department~~) attorney general, notwithstanding the
26 provisions of any other statute which may make or purport to make such
27 records privileged or confidential, except that no original patient
28 records shall be removed from the premises of the health care provider,
29 and that the disclosure of any records or information obtained under
30 authority of this section by the (~~department~~) attorney general is
31 prohibited and constitutes a violation of RCW 42.52.050, unless such
32 disclosure is directly connected to the official duties of the
33 (~~department~~) attorney general. The disclosure of patient information
34 as required under this section shall not subject any physician,
35 licensed advanced registered nurse practitioner, or other health care
36 provider to any liability for breach of any confidential relationships
37 between the provider and the patient. The (~~director or the~~
38 ~~director's~~) attorney general or the attorney general's authorized

1 representative shall destroy all copies of patient medical records in
2 ((their)) his or her possession upon completion of the audit,
3 investigation, or proceedings;

4 (b) Approve or deny applications to participate as a provider of
5 services furnished to crime victims pursuant to this title;

6 (c) Terminate or suspend eligibility to participate as a provider
7 of services furnished to victims pursuant to this title; and

8 (d) Pursue collection of unpaid overpayments and/or penalties plus
9 interest accrued from health care providers pursuant to RCW
10 51.32.240(6).

11 (10) When contracting for health care services and equipment, the
12 ((department)) attorney general, upon request of a contractor, shall
13 keep confidential financial and valuable trade information, which shall
14 be exempt from public inspection and copying under chapter 42.56 RCW.

15 **Sec. 219.** RCW 7.68.085 and 2011 c 346 s 502 are each amended to
16 read as follows:

17 (1) This section has no force or effect from April 1, 2010, until
18 July 1, 2015.

19 (2) The ((~~director of labor and industries~~)) attorney general shall
20 institute a cap on medical benefits of one hundred fifty thousand
21 dollars per injury or death.

22 For the purposes of this section, an individual will not be
23 required to use his or her assets other than funds recovered as a
24 result of a civil action or criminal restitution, for medical expenses
25 or pain and suffering, in order to qualify for an alternative source of
26 payment.

27 The director of labor and industries shall, in cooperation with the
28 department of social and health services, establish by October 1, 1989,
29 a process to aid crime victims in identifying and applying for
30 appropriate alternative benefit programs, if any, administered by the
31 department of social and health services.

32 **Sec. 220.** RCW 7.68.085 and 2011 c 346 s 502 are each amended to
33 read as follows:

34 The ((~~director of labor and industries~~)) attorney general shall
35 institute a cap on medical benefits of one hundred fifty thousand
36 dollars per injury or death.

1 For the purposes of this section, an individual will not be
2 required to use his or her assets other than funds recovered as a
3 result of a civil action or criminal restitution, for medical expenses
4 or pain and suffering, in order to qualify for an alternative source of
5 payment.

6 The director of labor and industries shall, in cooperation with the
7 department of social and health services, establish by October 1, 1989,
8 a process to aid crime victims in identifying and applying for
9 appropriate alternative benefit programs, if any, administered by the
10 department of social and health services.

11 **Sec. 221.** RCW 7.68.093 and 2011 c 346 s 505 are each amended to
12 read as follows:

13 The ((department)) attorney general shall examine the credentials
14 of persons conducting special medical examinations and shall monitor
15 the quality and objectivity of examinations and reports. The
16 ((department)) attorney general shall adopt rules to ensure that
17 examinations are performed only by qualified persons meeting
18 ((department)) attorney general standards.

19 **Sec. 222.** RCW 7.68.094 and 2011 c 346 s 506 are each amended to
20 read as follows:

21 (1) Any victim eligible to receive any benefits or claiming such
22 under this title shall, if requested by the ((department)) attorney
23 general submit himself or herself for medical examination, at a time
24 and from time to time, at a place reasonably convenient for the victim
25 as may be provided by the rules of the ((department)) attorney general.
26 An injured victim, whether an alien or other injured victim, who is not
27 residing in the United States at the time that a medical examination is
28 requested may be required to submit to an examination at any location
29 in the United States determined by the ((department)) attorney general.

30 (2) If the victim refuses to submit to medical examination, or
31 obstructs the same, or, if any injured victim shall persist in
32 unsanitary or injurious practices which tend to imperil or retard his
33 or her recovery, or shall refuse to submit to such medical or surgical
34 treatment as is reasonably essential to his or her recovery does not
35 cooperate in reasonable efforts at such rehabilitation, the
36 ((department)) attorney general may suspend any further action on any

1 claim of such victim so long as such refusal, obstruction,
2 noncooperation, or practice continues and thus, the ((department))
3 attorney general may reduce, suspend, or deny any compensation for such
4 period. The ((department)) attorney general may not suspend any
5 further action on any claim of a victim or reduce, suspend, or deny any
6 compensation if a victim has good cause for refusing to submit to or to
7 obstruct any examination, evaluation, treatment, or practice requested
8 by the ((department)) attorney general or required under this section.

9 (3) If the victim necessarily incurs traveling expenses in
10 attending the examination pursuant to the request of the ((department))
11 attorney general, such traveling expenses shall be repaid to him or her
12 upon proper voucher and audit.

13 (4) If the medical examination required by this section causes the
14 victim to be absent from his or her work without pay, the victim shall
15 be paid compensation in an amount equal to his or her usual wages for
16 the time lost from work while attending the medical examination when
17 the victim is insured by the ((department)) attorney general.

18 **Sec. 223.** RCW 7.68.095 and 2011 c 346 s 507 are each amended to
19 read as follows:

20 Upon the occurrence of any injury to a victim eligible for
21 compensation under the provisions of this chapter, he or she shall
22 receive proper and necessary medical and surgical services using his or
23 her private or public insurance or if no insurance, using a provider of
24 his or her own choice. In all accepted claims, treatment shall be
25 limited in point of duration as follows:

26 (1) No treatment shall be provided once the victim has received the
27 maximum compensation under this chapter.

28 (2) In case of temporary disability, treatment shall not extend
29 beyond the time when monthly allowances to him or her shall cease.
30 After any injured victim has returned to his or her work, his or her
31 medical and surgical treatment may be continued if, and so long as,
32 such continuation is determined by the ((director)) attorney general to
33 be necessary to his or her recovery, and as long as the victim has not
34 received the maximum compensation under this chapter.

35 **Sec. 224.** RCW 7.68.096 and 2011 c 346 s 508 are each amended to
36 read as follows:

1 Any medical provider who fails, neglects, or refuses to file a
2 report with the ((director)) attorney general, as required by this
3 chapter, within five days of the date of treatment, showing the
4 condition of the injured victim at the time of treatment, a description
5 of the treatment given, and an estimate of the probable duration of the
6 injury, or who fails or refuses to render all necessary assistance to
7 the injured victim, as required by this chapter, shall be subject to a
8 civil penalty determined by the ((director)) attorney general but not
9 to exceed two hundred fifty dollars. The amount shall be paid into the
10 crime victims' compensation account.

11 **Sec. 225.** RCW 7.68.101 and 2011 c 346 s 307 are each amended to
12 read as follows:

13 Physicians or licensed advanced registered nurse practitioners
14 examining or attending injured victims under this chapter shall comply
15 with rules ((and regulations)) adopted by the ((director)) attorney
16 general, and shall make such reports as may be requested by the
17 ((department)) attorney general upon the condition or treatment of any
18 such victim, or upon any other matters concerning such victims in their
19 care. Except under RCW 49.17.210 and 49.17.250, all medical
20 information in the possession or control of any person and relevant to
21 the particular injury in the opinion of the ((department)) attorney
22 general pertaining to any victim whose injury is the basis of a claim
23 under this chapter shall be made available at any stage of the
24 proceedings to the claimant's representative and the ((department))
25 attorney general upon request, and no person shall incur any legal
26 liability by reason of releasing such information.

27 **Sec. 226.** RCW 7.68.111 and 2011 c 346 s 601 are each amended to
28 read as follows:

29 (1)(a) If the victim or beneficiary in a claim prevails in an
30 appeal by any party to the ((department)) attorney general or the
31 court, the ((department)) attorney general shall comply with the
32 ((department)) attorney general's or court's order with respect to the
33 payment of compensation within the later of the following time periods:

34 (i) Sixty days after the compensation order has become final and is
35 not subject to review or appeal; or

1 (ii) If the order has become final and is not subject to review or
2 appeal and the ((department)) attorney general has, within the period
3 specified in (a)(i) of this subsection, requested the filing by the
4 victim or beneficiary of documents necessary to make payment of
5 compensation, sixty days after all requested documents are filed with
6 the ((department)) attorney general.

7 The ((department)) attorney general may extend the sixty-day time
8 period for an additional thirty days for good cause.

9 (b) If the ((department)) attorney general fails to comply with (a)
10 of this subsection, any person eligible for compensation under the
11 order may institute proceedings for injunctive or other appropriate
12 relief for enforcement of the order. These proceedings may be
13 instituted in the superior court for the county in which the claimant
14 resides, or, if the claimant is not then a resident of this state, in
15 the superior court for Thurston county.

16 (2) In a proceeding under this section, the court shall enforce
17 obedience to the order by proper means, enjoining compliance upon the
18 person obligated to comply with the compensation order. The court may
19 issue such writs and processes as are necessary to carry out its orders
20 and may award a penalty of up to one thousand dollars to the person
21 eligible for compensation under the order.

22 (3) A proceeding under this section does not preclude other methods
23 of enforcement provided for in this chapter.

24 **Sec. 227.** RCW 7.68.120 and 1995 c 33 s 1 are each amended to read
25 as follows:

26 Any person who has committed a criminal act which resulted in
27 injury compensated under this chapter may be required to make
28 reimbursement to the ((department)) attorney general as provided in
29 this section.

30 (1) Any payment of benefits to or on behalf of a victim under this
31 chapter creates a debt due and owing to the ((department)) attorney
32 general by any person found to have committed the criminal act in
33 either a civil or criminal court proceeding in which he or she is a
34 party. If there has been a superior or district court order, or an
35 order of the indeterminate sentence review board or the department of
36 social and health services, as provided in subsection (4) of this
37 section, the debt shall be limited to the amount provided for in the

1 order. A court order shall prevail over any other order. If, in a
2 criminal proceeding, a person has been found to have committed the
3 criminal act that results in the payment of benefits to a victim and
4 the court in the criminal proceeding does not enter a restitution
5 order, the ((~~department~~)) attorney general shall, within one year of
6 imposition of the sentence, petition the court for entry of a
7 restitution order.

8 (2)(a) The ((~~department~~)) attorney general may issue a notice of
9 debt due and owing to the person found to have committed the criminal
10 act, and shall serve the notice on the person in the manner prescribed
11 for the service of a summons in a civil action or by certified mail.
12 The ((~~department~~)) attorney general shall file the notice of debt due
13 and owing along with proof of service with the superior court of the
14 county where the criminal act took place. The person served the notice
15 shall have thirty days from the date of service to respond to the
16 notice by requesting a hearing in superior court.

17 (b) If a person served a notice of debt due and owing fails to
18 respond within thirty days, the ((~~department~~)) attorney general may
19 seek a default judgment. Upon entry of a judgment in an action brought
20 pursuant to (a) of this subsection, the clerk shall enter the order in
21 the execution docket. The filing fee shall be added to the amount of
22 the debt indicated in the judgment. The judgment shall become a lien
23 upon all real and personal property of the person named in the judgment
24 as in other civil cases. The judgment shall be subject to execution,
25 garnishment, or other procedures for collection of a judgment.

26 (3)(a) The ((~~director~~)) attorney general, or the ((~~director's~~))
27 attorney general's designee, may issue to any person or organization an
28 order to withhold and deliver property of any kind if there is reason
29 to believe that the person or organization possesses property that is
30 due, owing, or belonging to any person against whom a judgment for a
31 debt due and owing has been entered under subsection (2) of this
32 section. For purposes of this subsection, "person or organization"
33 includes any individual, firm, association, corporation, political
34 subdivision of the state, or agency of the state.

35 (b) The order to withhold and deliver must be served in the manner
36 prescribed for the service of a summons in a civil action or by
37 certified mail, return receipt requested. Any person or organization

1 upon whom service has been made shall answer the order within twenty
2 days exclusive of the day of service, under oath and in writing, and
3 shall make true answers to the matters inquired of therein.

4 (c) If there is in the possession of the person or organization
5 served with the order any property that might be subject to the claim
6 of the ((~~department~~)) attorney general, the person or organization must
7 immediately withhold such property and deliver the property to the
8 ((~~director~~)) attorney general or the ((~~director's~~)) attorney general's
9 authorized representative immediately upon demand.

10 (d) If the person or organization served the order fails to timely
11 answer the order, the court may render judgment by default against the
12 person or organization for the full amount claimed by the ((~~director~~))
13 attorney general in the order plus costs.

14 (e) If an order to withhold and deliver is served upon an employer
15 and the property found to be subject to the notice is wages, the
16 employer may assert in the answer all exemptions to which the wage
17 earner might be entitled as provided by RCW 6.27.150.

18 (4) Upon being placed on work release pursuant to chapter 72.65
19 RCW, or upon release from custody of a state correctional facility on
20 parole, any convicted person who owes a debt to the ((~~department~~))
21 attorney general as a consequence of a criminal act may have the
22 schedule or amount of payments therefor set as a condition of work
23 release or parole by the department of social and health services or
24 indeterminate sentence review board respectively, subject to
25 modification based on change of circumstances. Such action shall be
26 binding on the ((~~department~~)) attorney general.

27 (5) Any requirement for payment due and owing the ((~~department~~))
28 attorney general by a convicted person under this chapter may be
29 waived, modified downward or otherwise adjusted by the ((~~department~~))
30 attorney general in the interest of justice, the well-being of the
31 victim, and the rehabilitation of the individual.

32 (6) The ((~~department~~)) attorney general shall not seek payment for
33 a debt due and owing if such action would deprive the victim of the
34 crime giving rise to the claim under this chapter of the benefit of any
35 property to which the victim would be entitled under RCW 26.16.030.

36 **Sec. 228.** RCW 7.68.125 and 2011 c 346 s 701 are each amended to
37 read as follows:

1 (1)(a) Whenever any payment of benefits under this chapter is made
2 because of clerical error, mistake of identity, innocent
3 misrepresentation by or on behalf of the recipient thereof mistakenly
4 acted upon, or any other circumstance of a similar nature, all not
5 induced by willful misrepresentation, the recipient thereof shall repay
6 it and recoupment may be made from any future payments due to the
7 recipient on any claim with the crime victims' compensation program.
8 The ((department)) attorney general must make claim for such repayment
9 or recoupment within one year of the making of any such payment or it
10 will be deemed any claim therefor has been waived.

11 (b) Except as provided in subsections (3) and (4) of this section,
12 the ((department)) attorney general may only assess an overpayment of
13 benefits because of adjudicator error when the order upon which the
14 overpayment is based is not yet final as provided in RCW 51.52.050 and
15 51.52.060. "Adjudicator error" includes the failure to consider
16 information in the claim file, failure to secure adequate information,
17 or an error in judgment.

18 (c) The ((director)) attorney general, pursuant to rules adopted in
19 accordance with the procedures provided in the administrative procedure
20 act, chapter 34.05 RCW, may exercise his or her discretion to waive, in
21 whole or in part, the amount of any such timely claim where the
22 recovery would be against equity and good conscience.

23 (2) Whenever the ((department)) attorney general fails to pay
24 benefits because of clerical error, mistake of identity, or innocent
25 misrepresentation, all not induced by recipient willful
26 misrepresentation, the recipient may request an adjustment of benefits
27 to be paid from the crime victims' compensation programs subject to the
28 following:

29 (a) The recipient must request an adjustment in benefits within one
30 year from the date of the incorrect payment or it will be deemed any
31 claim therefore has been waived.

32 (b) The recipient may not seek an adjustment of benefits because of
33 adjudicator error. Adjustments due to adjudicator error are addressed
34 by the filing of a written request for reconsideration with the
35 ((department)) attorney general or an appeal with the ((department))
36 attorney general within ninety days from the date the order is
37 communicated as provided in RCW 51.52.050. "Adjudicator error"

1 includes the failure to consider information in the claim file, failure
2 to secure adequate information, or an error in judgment.

3 (3) Whenever any payment of benefits under this chapter has been
4 made pursuant to an adjudication by the ((~~department~~)) attorney general
5 or by order of any court and timely appeal therefrom has been made
6 where the final decision is that any such payment was made pursuant to
7 an erroneous adjudication, the recipient thereof shall repay it and
8 recoupment may be made from any future payments due to the recipient on
9 any claim.

10 (a) The ((~~director~~)) attorney general, pursuant to rules adopted in
11 accordance with the procedures provided in the administrative procedure
12 act, chapter 34.05 RCW, may exercise discretion to waive, in whole or
13 in part, the amount of any such payments where the recovery would be
14 against equity and good conscience.

15 (b) The ((~~department~~)) attorney general shall first attempt
16 recovery of overpayments for health services from any entity that
17 provided health insurance to the victim to the extent that the health
18 insurance entity would have provided health insurance benefits.

19 (4)(a) Whenever any payment of benefits under this chapter has been
20 induced by willful misrepresentation the recipient thereof shall repay
21 any such payment together with a penalty of fifty percent of the total
22 of any such payments and the amount of such total sum may be recouped
23 from any future payments due to the recipient on any claim with the
24 crime victims' compensation program against whom the willful
25 misrepresentation was committed and the amount of such penalty shall be
26 placed in the crime victims' compensation fund. Such repayment or
27 recoupment must be demanded or ordered within three years of the
28 discovery of the willful misrepresentation.

29 (b) For purposes of this subsection (4), it is willful
30 misrepresentation for a person to obtain payments or other benefits
31 under this chapter in an amount greater than that to which the person
32 otherwise would be entitled. Willful misrepresentation includes:

33 (i) Willful false statement; or

34 (ii) Willful misrepresentation, omission, or concealment of any
35 material fact.

36 (c) For purposes of this subsection (4), "willful" means a
37 conscious or deliberate false statement, misrepresentation, omission,

1 or concealment of a material fact with the specific intent of
2 obtaining, continuing, or increasing benefits under this chapter.

3 (d) For purposes of this subsection (4), failure to disclose a
4 work-type activity must be willful in order for a misrepresentation to
5 have occurred.

6 (e) For purposes of this subsection (4), a material fact is one
7 which would result in additional, increased, or continued benefits,
8 including but not limited to facts about physical restrictions, or
9 work-type activities which either result in wages or income or would be
10 reasonably expected to do so. Wages or income include the receipt of
11 any goods or services. For a work-type activity to be reasonably
12 expected to result in wages or income, a pattern of repeated activity
13 must exist. For those activities that would reasonably be expected to
14 result in wages or produce income, but for which actual wage or income
15 information cannot be reasonably determined, the ((department))
16 attorney general shall impute wages.

17 (5) The victim, beneficiary, or other person affected thereby shall
18 have the right to contest an order assessing an overpayment pursuant to
19 this section in the same manner and to the same extent as provided
20 under RCW 51.52.050 and 51.52.060. In the event such an order becomes
21 final under chapter 51.52 RCW and notwithstanding the provisions of
22 subsections (1) through (4) of this section, the ((director)) attorney
23 general or ((director's)) attorney general's designee may file with the
24 clerk in any county within the state a warrant in the amount of the sum
25 representing the unpaid overpayment and/or penalty plus interest
26 accruing from the date the order became final. The clerk of the county
27 in which the warrant is filed shall immediately designate a superior
28 court cause number for such warrant and the clerk shall cause to be
29 entered in the judgment docket under the superior court cause number
30 assigned to the warrant, the name of the victim, beneficiary, or other
31 person mentioned in the warrant, the amount of the unpaid overpayment
32 and/or penalty plus interest accrued, and the date the warrant was
33 filed. The amount of the warrant as docketed shall become a lien upon
34 the title to and interest in all real and personal property of the
35 victim, beneficiary, or other person against whom the warrant is
36 issued, the same as a judgment in a civil case docketed in the office
37 of such clerk. The sheriff shall then proceed in the same manner and
38 with like effect as prescribed by law with respect to execution or

1 other process issued against rights or property upon judgment in the
2 superior court. Such warrant so docketed shall be sufficient to
3 support the issuance of writs of garnishment in favor of the
4 (~~department~~) attorney general in the manner provided by law in the
5 case of judgment, wholly or partially unsatisfied. The clerk of the
6 court shall be entitled to a filing fee under RCW 36.18.012(10), which
7 shall be added to the amount of the warrant. A copy of such warrant
8 shall be mailed to the victim, beneficiary, or other person within
9 three days of filing with the clerk.

10 The (~~director~~) attorney general or (~~director's~~) attorney
11 general's designee may issue to any person, firm, corporation,
12 municipal corporation, political subdivision of the state, public
13 corporation, or agency of the state, a notice to withhold and deliver
14 property of any kind if there is reason to believe that there is in the
15 possession of such person, firm, corporation, municipal corporation,
16 political subdivision of the state, public corporation, or agency of
17 the state, property that is due, owing, or belonging to any victim,
18 beneficiary, or other person upon whom a warrant has been served for
19 payments due the (~~department~~) attorney general. The notice and order
20 to withhold and deliver shall be served by certified mail accompanied
21 by an affidavit of service by mailing or served by the sheriff of the
22 county, or by the sheriff's deputy, or by any authorized representative
23 of the (~~director~~) attorney general or (~~director's~~) attorney
24 general's designee, or by electronic means or other methods authorized
25 by law. Any person, firm, corporation, municipal corporation,
26 political subdivision of the state, public corporation, or agency of
27 the state upon whom service has been made shall answer the notice
28 within twenty days exclusive of the day of service, under oath and in
29 writing, and shall make true answers to the matters inquired or in the
30 notice and order to withhold and deliver. In the event there is in the
31 possession of the party named and served with such notice and order,
32 any property that may be subject to the claim of the (~~department~~)
33 attorney general, such property shall be delivered forthwith to the
34 (~~director~~) attorney general or the (~~director's~~) attorney general's
35 authorized representative upon demand. If the party served and named
36 in the notice and order fails to answer the notice and order within the
37 time prescribed in this section, the court may, after the time to
38 answer such order has expired, render judgment by default against the

1 party named in the notice for the full amount, plus costs, claimed by
2 the ((director)) attorney general or the ((director's)) attorney
3 general's designee in the notice. In the event that a notice to
4 withhold and deliver is served upon an employer and the property found
5 to be subject thereto is wages, the employer may assert in the answer
6 all exemptions provided for by chapter 6.27 RCW to which the wage
7 earner may be entitled.

8 This subsection shall only apply to orders assessing an overpayment
9 which are issued on or after July 28, 1991. This subsection shall
10 apply retroactively to all orders assessing an overpayment resulting
11 from willful misrepresentation, civil or criminal.

12 (6) Orders assessing an overpayment which are issued on or after
13 July 28, 1991, shall include a conspicuous notice of the collection
14 methods available to the ((department)) attorney general.

15 **Sec. 229.** RCW 7.68.126 and 2011 c 346 s 702 are each amended to
16 read as follows:

17 Notwithstanding any other provisions of law, any overpayments
18 previously recovered under the provisions of RCW 7.68.073 as now or
19 hereafter amended shall be limited to six months' overpayments. Where
20 greater recovery has already been made, the ((director)) attorney
21 general, in his or her discretion, may make restitution in those cases
22 where an extraordinary hardship has been created.

23 **Sec. 230.** RCW 7.68.130 and 2011 c 346 s 703 are each amended to
24 read as follows:

25 (1) Benefits payable pursuant to this chapter shall be reduced by
26 the amount of any other public or private insurance available, less a
27 proportionate share of reasonable attorneys' fees and costs, if any,
28 incurred by the victim in obtaining recovery from the insurer.
29 Calculation of a proportionate share of attorneys' fees and costs shall
30 be made under the formula established in RCW 7.68.050 (9) through (14).
31 The ((department)) attorney general or the victim may require court
32 approval of costs and attorneys' fees or may petition a court for
33 determination of the reasonableness of costs and attorneys' fees.

34 (2) Benefits payable after 1980 to victims injured or killed before
35 1980 shall be reduced by any other public or private insurance
36 including but not limited to social security.

1 (3) Payment by the ((department)) attorney general under this
2 chapter shall be secondary to other insurance benefits, notwithstanding
3 the provision of any contract or coverage to the contrary. In the case
4 of private life insurance proceeds, the first forty thousand dollars of
5 the proceeds shall not be considered for purposes of any reduction in
6 benefits.

7 (4) If the ((department)) attorney general determines that a victim
8 is likely to be eligible for other public insurance or support
9 services, the ((department)) attorney general may require the applicant
10 to apply for such services before awarding benefits under RCW 7.68.070.
11 If the ((department)) attorney general determines that a victim shall
12 apply for such services and the victim refuses or does not apply for
13 those services, the ((department)) attorney general may deny any
14 further benefits under this chapter. The ((department)) attorney
15 general may require an applicant to provide a copy of their
16 determination of eligibility before providing benefits under this
17 chapter.

18 (5) Before payment of benefits will be considered victims shall use
19 their private insurance coverage.

20 (6) For the purposes of this section, the collection methods
21 available under RCW 7.68.125(5) apply.

22 **Sec. 231.** RCW 7.68.140 and 1997 c 310 s 1 are each amended to read
23 as follows:

24 Information contained in the claim files and records of victims,
25 under the provisions of this chapter, shall be deemed confidential and
26 shall not be open to public inspection: PROVIDED, That, except as
27 limited by state or federal statutes or regulations, such information
28 may be provided to public employees in the performance of their
29 official duties: PROVIDED FURTHER, That except as otherwise limited by
30 state or federal statutes, rules, or regulations a claimant or a
31 representative of a claimant, be it an individual or an organization,
32 may review a claim file or receive specific information therefrom upon
33 the presentation of the signed authorization of the claimant: PROVIDED
34 FURTHER, That physicians treating or examining victims claiming
35 benefits under this chapter or physicians giving medical advice to the
36 ((department)) attorney general regarding any claim may, at the
37 discretion of the ((department)) attorney general and as not otherwise

1 limited by state or federal statutes, rules, or regulations, inspect
2 the claim files and records of such victims, and other persons may,
3 when rendering assistance to the ((~~department~~)) attorney general at any
4 stage of the proceedings on any matter pertaining to the administration
5 of this chapter, inspect the claim files and records of such victims at
6 the discretion of the ((~~department~~)) attorney general and as not
7 otherwise limited by state or federal statutes, rules, or regulations.

8 **Sec. 232.** RCW 7.68.145 and 1975 1st ex.s. c 176 s 7 are each
9 amended to read as follows:

10 Notwithstanding any other provision of law, all law enforcement,
11 criminal justice, or other governmental agencies, or hospital; any
12 physician or other practitioner of the healing arts; or any other
13 organization or person having possession or control of any
14 investigative or other information pertaining to any alleged criminal
15 act or victim concerning which a claim for benefits has been filed
16 under this chapter, shall, upon request, make available to and allow
17 the reproduction of any such information by the section of the
18 ((~~department~~)) office of the attorney general administering this
19 chapter or other public employees in their performance of their
20 official duties under this chapter.

21 No person or organization, public or private, shall incur any legal
22 liability by reason of releasing any such information to the ((~~director~~
23 ~~of labor and industries~~)) attorney general or the section of the
24 ((~~department which~~)) office of the attorney general that administers
25 this chapter or other public employees in the performance of their
26 official duties under this chapter.

27 **Sec. 233.** RCW 7.68.150 and 1973 1st ex.s. c 122 s 15 are each
28 amended to read as follows:

29 All benefits and payments made, and all administrative costs
30 accrued, pursuant to this chapter shall be funded and accounted for
31 separate from the other operations and responsibilities of the
32 ((~~department~~)) attorney general.

33 **Sec. 234.** RCW 7.68.155 and 2010 c 122 s 7 are each amended to read
34 as follows:

1 (1) Within current funding levels, the (~~department's~~) attorney
2 general's crime victims' compensation program shall post on its public
3 web site a report that shows the following items:

4 (a) The total amount of current funding available in the crime
5 victims' compensation fund;

6 (b) The total amount of funding disbursed to victims in the
7 previous thirty days; and

8 (c) The total amount paid in overhead and administrative costs in
9 the previous thirty days.

10 (2) The information listed in subsection (1) of this section must
11 be posted and maintained on the (~~department's~~) attorney general's web
12 site by July 1, 2010, and updated every thirty days thereafter.

13 **Sec. 235.** RCW 7.68.160 and 1986 c 158 s 2 are each amended to read
14 as follows:

15 Any person who has been injured as a result of a "criminal act" as
16 herein defined on or after January 1, 1972, up to July 1, 1974, who
17 would otherwise be eligible for benefits under this chapter, may for a
18 period of ninety days from July 1, 1974, file a claim for benefits with
19 the (~~department~~) attorney general on a form provided by the
20 (~~department~~) attorney general. The (~~department~~) attorney general
21 shall investigate and review such claims, and, within two hundred ten
22 days of July 1, 1974, shall report to the governor its findings and
23 recommendations as to such claims, along with a statement as to what
24 special legislative relief, if any, the (~~department~~) attorney general
25 recommends should be provided.

26 **Sec. 236.** RCW 7.68.165 and 1975 1st ex.s. c 176 s 10 are each
27 amended to read as follows:

28 The rights, privileges, responsibilities, duties, limitations and
29 procedures contained in this chapter shall apply to those claims filed
30 pursuant to RCW 7.68.160. In respect to such claims, the
31 (~~department~~) attorney general shall proceed in the same manner and
32 with the same authority as provided in this chapter with respect to
33 those claims filed pursuant to RCW 7.68.060 as now or hereafter
34 amended.

1 **Sec. 237.** RCW 7.68.200 and 2011 c 336 s 248 are each amended to
2 read as follows:

3 After hearing, as provided in RCW 7.68.210, every person, firm,
4 corporation, partnership, association, or other legal entity
5 contracting with any person or the representative or assignee of any
6 person, accused or convicted of a crime in this state, with respect to
7 the reenactment of such crime, by way of a movie, book, magazine
8 article, tape recording, phonograph record, radio or television
9 presentation, live entertainment of any kind, or from the expression of
10 such accused or convicted person's thoughts, feelings, opinion, or
11 emotions regarding such crime, shall submit a copy of such contract to
12 the ((department)) attorney general and pay over to the ((department))
13 attorney general any moneys which would otherwise, by terms of such
14 contract, be owing to the person so accused or convicted or his or her
15 representatives. The ((department)) attorney general shall deposit
16 such moneys in an escrow account for the benefit of and payable to any
17 victim or the legal representative of any victim of crimes committed
18 by: (1) Such convicted person; or (2) such accused person, but only if
19 such accused person is eventually convicted of the crime and provided
20 that such victim, within five years of the date of the establishment of
21 such escrow account, brings a civil action in a court of competent
22 jurisdiction and recovers a money judgment for damages against such
23 person or his or her representatives.

24 **Sec. 238.** RCW 7.68.210 and 1979 ex.s. c 219 s 12 are each amended
25 to read as follows:

26 The prosecutor or the ((department)) attorney general may, at any
27 time after the person's arraignment petition any superior court for an
28 order, following notice and hearing, directing that any contract
29 described in RCW 7.68.200 shall be paid in accordance with RCW 7.68.200
30 through 7.68.280.

31 **Sec. 239.** RCW 7.68.220 and 1979 ex.s. c 219 s 14 are each amended
32 to read as follows:

33 The ((department)) attorney general, at least once every six months
34 for five years from the date it receives such moneys, shall cause to
35 have published a legal notice in newspapers of general circulation in
36 the county wherein the crime was committed and in counties contiguous

1 to such county advising such victims that such escrow moneys are
2 available to satisfy money judgments pursuant to this section. For
3 crimes committed in a city located within a county having a population
4 of one million or more, the notice provided for in this section shall
5 be in newspapers having general circulation in such city. The
6 ((department)) attorney general may, in ((its)) the attorney general's
7 discretion, provide for such additional notice as it deems necessary.

8 **Sec. 240.** RCW 7.68.230 and 1979 ex.s. c 219 s 15 are each amended
9 to read as follows:

10 Upon dismissal of charges or acquittal of any accused person the
11 ((department)) attorney general shall immediately pay over to such
12 accused person the moneys in the escrow account established on behalf
13 of such accused person.

14 **Sec. 241.** RCW 7.68.240 and 2011 c 336 s 249 are each amended to
15 read as follows:

16 Upon a showing by any convicted person or the state that five years
17 have elapsed from the establishment of such escrow account and further
18 that no actions are pending against such convicted person pursuant to
19 RCW 7.68.200 through 7.68.280, the ((department)) attorney general
20 shall immediately pay over fifty percent of any moneys in the escrow
21 account to such person or his or her legal representatives and fifty
22 percent of any moneys in the escrow account to the fund under RCW
23 7.68.035(4).

24 **Sec. 242.** RCW 7.68.270 and 1979 ex.s. c 219 s 19 are each amended
25 to read as follows:

26 Notwithstanding the foregoing provisions of ((this act)) RCW
27 7.68.200 through 7.68.280 the ((department)) attorney general shall
28 make payments from an escrow account to any person accused or convicted
29 of a crime upon the order of a court of competent jurisdiction after a
30 showing by such person that such moneys shall be used for the exclusive
31 purpose of retaining legal representation at any stage of the
32 proceedings against such person, including the appeals process.

33 **PART 3**

1 **PROGRAMS TRANSFERRED FROM THE SECRETARY OF STATE**

2 **Address Confidentiality Program**

3 **Sec. 301.** RCW 40.24.030 and 2011 c 64 s 2 are each amended to read
4 as follows:

5 (1)(a) An adult person, a parent or guardian acting on behalf of a
6 minor, or a guardian acting on behalf of an incapacitated person, as
7 defined in RCW 11.88.010, and (b) any criminal justice participant as
8 defined in RCW 9A.46.020 who is a target for threats or harassment
9 prohibited under RCW 9A.46.020(2)(b) (iii) or (iv), and any family
10 members residing with him or her, may apply to the (~~secretary of~~
11 ~~state~~) attorney general to have an address designated by the
12 (~~secretary of state~~) attorney general serve as the person's address
13 or the address of the minor or incapacitated person. The (~~secretary~~
14 ~~of state~~) attorney general shall approve an application if it is filed
15 in the manner and on the form prescribed by the (~~secretary of state~~)
16 attorney general and if it contains:

17 (i) A sworn statement, under penalty of perjury, by the applicant
18 that the applicant has good reason to believe (A) that the applicant,
19 or the minor or incapacitated person on whose behalf the application is
20 made, is a victim of domestic violence, sexual assault, trafficking, or
21 stalking and that the applicant fears for his or her safety or his or
22 her children's safety, or the safety of the minor or incapacitated
23 person on whose behalf the application is made; or (B) that the
24 applicant, as a criminal justice participant as defined in RCW
25 9A.46.020, is a target for threats or harassment prohibited under RCW
26 9A.46.020(2)(b) (iii) or (iv);

27 (ii) If applicable, a sworn statement, under penalty of perjury, by
28 the applicant, that the applicant has reason to believe they are a
29 victim of (A) domestic violence, sexual assault, or stalking
30 perpetrated by an employee of a law enforcement agency, or (B) threats
31 or harassment prohibited under RCW 9A.46.020(2)(b) (iii) or (iv);

32 (iii) A designation of the (~~secretary of state~~) attorney general
33 as agent for purposes of service of process and for the purpose of
34 receipt of mail;

35 (iv) The residential address and any telephone number where the
36 applicant can be contacted by the (~~secretary of state~~) attorney
37 general, which shall not be disclosed because disclosure will increase

1 the risk of (A) domestic violence, sexual assault, trafficking, or
2 stalking, or (B) threats or harassment prohibited under RCW
3 9A.46.020(2)(b) (iii) or (iv);

4 (v) The signature of the applicant and of any individual or
5 representative of any office designated in writing under RCW 40.24.080
6 who assisted in the preparation of the application, and the date on
7 which the applicant signed the application.

8 (2) Applications shall be filed with the office of the (~~secretary~~
9 ~~of state~~) attorney general.

10 (3) Upon filing a properly completed application, the (~~secretary~~
11 ~~of state~~) attorney general shall certify the applicant as a program
12 participant. Applicants shall be certified for four years following
13 the date of filing unless the certification is withdrawn or invalidated
14 before that date. The (~~secretary of state~~) attorney general shall by
15 rule establish a renewal procedure.

16 (4) A person who knowingly provides false or incorrect information
17 upon making an application or falsely attests in an application that
18 disclosure of the applicant's address would endanger (a) the
19 applicant's safety or the safety of the applicant's children or the
20 minor or incapacitated person on whose behalf the application is made,
21 or (b) the safety of any criminal justice participant as defined in RCW
22 9A.46.020 who is a target for threats or harassment prohibited under
23 RCW 9A.46.020(2)(b) (iii) or (iv), or any family members residing with
24 him or her, shall be punished under RCW 40.16.030 or other applicable
25 statutes.

26 **Sec. 302.** RCW 40.24.040 and 2008 c 18 s 3 are each amended to read
27 as follows:

28 (1) If the program participant obtains a legal change of identity,
29 he or she loses certification as a program participant.

30 (2) The (~~secretary of state~~) attorney general may cancel a
31 program participant's certification if there is a change in the
32 residential address, unless the program participant provides the
33 (~~secretary of state~~) attorney general with at least two days' prior
34 notice in writing of the change of address.

35 (3) The (~~secretary of state~~) attorney general may cancel
36 certification of a program participant if mail forwarded by the

1 ((~~secretary~~)) attorney general to the program participant's address is
2 returned as nondeliverable, refused, or unclaimed.

3 (4) The ((~~secretary of state~~)) attorney general shall cancel
4 certification of a program participant who applies using false
5 information.

6 **Sec. 303.** RCW 40.24.050 and 1991 c 23 s 5 are each amended to read
7 as follows:

8 (1) A program participant may request that state and local agencies
9 use the address designated by the ((~~secretary of state~~)) attorney
10 general as his or her address. When creating a new public record,
11 state and local agencies shall accept the address designated by the
12 ((~~secretary of state~~)) attorney general as a program participant's
13 substitute address, unless the ((~~secretary of state~~)) attorney general
14 has determined that:

15 (a) The agency has a bona fide statutory or administrative
16 requirement for the use of the address which would otherwise be
17 confidential under this chapter; and

18 (b) This address will be used only for those statutory and
19 administrative purposes.

20 (2) A program participant may use the address designated by the
21 ((~~secretary of state~~)) attorney general as his or her work address.

22 (3) The office of the ((~~secretary of state~~)) attorney general shall
23 forward all first-class mail to the appropriate program participants.

24 **Sec. 304.** RCW 40.24.070 and 2008 c 18 s 5 are each amended to read
25 as follows:

26 The ((~~secretary of state~~)) attorney general may not make any
27 records in a program participant's file available for inspection or
28 copying, other than the address designated by the ((~~secretary of~~
29 ~~state~~)) attorney general, except under the following circumstances:

30 (1) If requested by a law enforcement agency, to the law
31 enforcement agency; and

32 (a) The participant's application contains no indication that he or
33 she has been a victim of domestic violence, sexual assault, or stalking
34 perpetrated by a law enforcement employee; and

35 (b) The request is in accordance with official law enforcement

1 duties and is in writing on official law enforcement letterhead
2 stationery and signed by the law enforcement agency's chief officer, or
3 his or her designee; or

4 (2) If directed by a court order, to a person identified in the
5 order; and

6 (a) The request is made by a nonlaw enforcement agency; or

7 (b) The participant's file indicates he or she has reason to
8 believe he or she is a victim of domestic violence, sexual assault, or
9 stalking perpetrated by a law enforcement employee.

10 **Sec. 305.** RCW 40.24.080 and 2008 c 312 s 4 are each amended to
11 read as follows:

12 The (~~secretary of state~~) attorney general shall designate state
13 and local agencies and nonprofit agencies that provide counseling and
14 shelter services to victims of domestic violence, sexual assault,
15 trafficking, or stalking to assist persons applying to be program
16 participants. Any assistance and counseling rendered by the office of
17 the (~~secretary of state~~) attorney general or its designees to
18 applicants shall in no way be construed as legal advice.

19 **PART 4**

20 **PROGRAMS TRANSFERRED FROM THE WASHINGTON ASSOCIATION**
21 **OF SHERIFFS AND POLICE CHIEFS**

22 **Registered Sex Offender and Kidnapping Offender Address**
23 **and Residency Verification Grant Program**

24 **Sec. 401.** RCW 36.28A.230 and 2010 c 265 s 3 are each amended to
25 read as follows:

26 (1) When funded, the (~~Washington association of sheriffs and~~
27 ~~police chiefs~~) attorney general shall administer a grant program to
28 local governments for the purpose of verifying the address and
29 residency of sex offenders and kidnapping offenders registered under
30 RCW 9A.44.130 who reside within the county sheriff's jurisdiction. The
31 (~~Washington association of sheriffs and police chiefs~~) attorney
32 general shall:

33 (a) Enter into performance-based agreements with local governments
34 to ensure that registered offender address and residency are verified:

- 1 (i) For level I offenders, every twelve months;
2 (ii) For level II offenders, every six months; and
3 (iii) For level III offenders, every three months;

4 (b) Collect performance data from all participating jurisdictions
5 sufficient to evaluate the efficiency and effectiveness of the address
6 and residency verification program; and

7 (c) Submit a report on the effectiveness of the address and
8 residency verification program to the governor and the appropriate
9 committees of the house of representatives and senate by December 31st
10 each year.

11 (2) The (~~Washington association of sheriffs and police chiefs~~)
12 attorney general may retain up to three percent of the amounts provided
13 pursuant to this section for the cost of administration. Any funds not
14 disbursed for address and residency verification or retained for
15 administration may be allocated to local prosecutors for the
16 prosecution costs associated with failing to register offenses.

17 (3) For the purposes of this section, unclassified offenders and
18 kidnapping offenders shall be considered at risk level I unless in the
19 opinion of the local jurisdiction a higher classification is in the
20 interest of public safety.

21 (4) County sheriffs and police chiefs or town marshals may enter
22 into agreements for the purposes of delegating the authority and
23 obligation to fulfill the requirements of this section.

24 **Sec. 402.** RCW 9A.44.135 and 2010 c 265 s 2 are each amended to
25 read as follows:

26 (1) When an offender registers with the county sheriff pursuant to
27 RCW 9A.44.130, the county sheriff shall notify the police chief or town
28 marshal of the jurisdiction in which the offender has registered to
29 live. If the offender registers to live in an unincorporated area of
30 the county, the sheriff shall make reasonable attempts to verify that
31 the offender is residing at the registered address. If the offender
32 registers to live in an incorporated city or town, the police chief or
33 town marshal shall make reasonable attempts to verify that the offender
34 is residing at the registered address. Reasonable attempts include
35 verifying an offender's address pursuant to the grant program
36 established under RCW 36.28A.230 (as recodified by this act). If the
37 sheriff or police chief or town marshal does not participate in the

1 grant program established under RCW 36.28A.230 (as recodified by this
2 act), reasonable attempts require a yearly mailing by certified mail,
3 with return receipt requested, a nonforwardable verification form to
4 the offender at the offender's last registered address sent by the
5 chief law enforcement officer of the jurisdiction where the offender is
6 registered to live. For offenders who have been previously designated
7 sexually violent predators under chapter 71.09 RCW or the equivalent
8 procedure in another jurisdiction, even if the designation has
9 subsequently been removed, this mailing must be sent every ninety days.

10 The offender must sign the verification form, state on the form
11 whether he or she still resides at the last registered address, and
12 return the form to the chief law enforcement officer of the
13 jurisdiction where the offender is registered to live within ten days
14 after receipt of the form.

15 (2) The chief law enforcement officer of the jurisdiction where the
16 offender has registered to live shall make reasonable attempts to
17 locate any sex offender who fails to return the verification form or
18 who cannot be located at the registered address.

19 If the offender fails to return the verification form or the
20 offender is not at the last registered address, the chief law
21 enforcement officer of the jurisdiction where the offender has
22 registered to live shall promptly forward this information to the
23 county sheriff and to the Washington state patrol for inclusion in the
24 central registry of sex offenders.

25 (3) When an offender notifies the county sheriff of a change to his
26 or her residence address pursuant to RCW 9A.44.130, and the new address
27 is in a different law enforcement jurisdiction, the county sheriff
28 shall notify the police chief or town marshal of the jurisdiction from
29 which the offender has moved.

30 (4) County sheriffs and police chiefs or town marshals may enter
31 into agreements for the purposes of delegating the authority and
32 obligation to fulfill the requirements of this section.

33 NEW SECTION. **Sec. 403.** RCW 36.28A.230 is recodified as a section
34 in chapter 43.10 RCW.

35 **Uniform Crimes Reporting**

1 Washington. For missing persons, the web site shall contain, but is
2 not limited to: The person's name, physical description, photograph,
3 and other information that is deemed necessary according to the adopted
4 protocols. This web site shall allow citizens to more broadly
5 disseminate information regarding missing persons for at least thirty
6 days.

7 **Sec. 406.** RCW 36.28A.120 and 2007 c 10 s 4 are each amended to
8 read as follows:

9 The Washington state patrol shall establish an interface with local
10 law enforcement and the (~~Washington association of sheriffs and police~~
11 ~~chiefs~~) attorney general's missing persons web site, the toll-free
12 twenty-four hour hotline, and national and other statewide missing
13 persons systems or clearinghouses.

14 Local law enforcement agencies shall file an official missing
15 persons report and enter biographical information into the state
16 missing persons computerized network without delay after notification
17 of a missing person's report is received under this chapter.

18 NEW SECTION. **Sec. 407.** RCW 36.28A.030, 36.28A.110, and 36.28A.120
19 are each recodified as sections in chapter 43.10 RCW.

20 **Jail Booking and Reporting System**

21 **Sec. 408.** RCW 36.28A.040 and 2010 c 266 s 1 are each amended to
22 read as follows:

23 (1) (~~No later than July 1, 2002, the Washington association of~~
24 ~~sheriffs and police chiefs~~) The attorney general shall implement and
25 operate an electronic statewide city and county jail booking and
26 reporting system. The system shall serve as a central repository and
27 instant information source for offender information and jail
28 statistical data. The system may be placed on the Washington state
29 justice information network and be capable of communicating
30 electronically with every Washington state city and county jail and
31 with all other Washington state criminal justice agencies as defined in
32 RCW 10.97.030.

33 (2) After the (~~Washington association of sheriffs and police~~
34 ~~chiefs~~) attorney general has implemented an electronic jail booking

1 system as described in subsection (1) of this section, if a city or
2 county jail or law enforcement agency receives state or federal funding
3 to cover the entire cost of implementing or reconfiguring an electronic
4 jail booking system, the city or county jail or law enforcement agency
5 shall implement or reconfigure an electronic jail booking system that
6 is in compliance with the jail booking system standards developed
7 pursuant to subsection (4) of this section.

8 (3) After the (~~Washington association of sheriffs and police~~
9 ~~chiefs~~) attorney general has implemented an electronic jail booking
10 system as described in subsection (1) of this section, city or county
11 jails, or law enforcement agencies that operate electronic jail booking
12 systems, but choose not to accept state or federal money to implement
13 or reconfigure electronic jail booking systems, shall electronically
14 forward jail booking information to the (~~Washington association of~~
15 ~~sheriffs and police chiefs~~) attorney general. At a minimum the
16 information forwarded shall include the name of the offender, vital
17 statistics, the date the offender was arrested, the offenses arrested
18 for, the date and time an offender is released or transferred from a
19 city or county jail, and if available, the mug shot. The electronic
20 format in which the information is sent shall be at the discretion of
21 the city or county jail, or law enforcement agency forwarding the
22 information. City and county jails or law enforcement agencies that
23 forward jail booking information under this subsection are not required
24 to comply with the standards developed under subsection (4)(b) of this
25 section.

26 (4) The (~~Washington association of sheriffs and police chiefs~~)
27 attorney general shall appoint, convene, and manage a statewide jail
28 booking and reporting system standards committee. The committee shall
29 include representatives from the Washington association of sheriffs and
30 police chiefs correction committee, the information service board's
31 justice information committee, the judicial information system, at
32 least two individuals who serve as jailers in a city or county jail,
33 and other individuals that the (~~Washington association of sheriffs and~~
34 ~~police chiefs~~) attorney general places on the committee. The
35 committee shall have the authority to:

36 (a) Develop and amend as needed standards for the statewide jail
37 booking and reporting system and for the information that must be
38 contained within the system. At a minimum, the system shall contain:

1 (i) The offenses the individual has been charged with;

2 (ii) Descriptive and personal information about each offender
3 booked into a city or county jail. At a minimum, this information
4 shall contain the offender's name, vital statistics, address, and
5 mugshot;

6 (iii) Information about the offender while in jail, which could be
7 used to protect criminal justice officials that have future contact
8 with the offender, such as medical conditions, acts of violence, and
9 other behavior problems;

10 (iv) Statistical data indicating the current capacity of each jail
11 and the quantity and category of offenses charged;

12 (v) The ability to communicate directly and immediately with the
13 city and county jails and other criminal justice entities; and

14 (vi) The date and time that an offender was released or transferred
15 from a local jail;

16 (b) Develop and amend as needed operational standards for city and
17 county jail booking systems, which at a minimum shall include the type
18 of information collected and transmitted, and the technical
19 requirements needed for the city and county jail booking system to
20 communicate with the statewide jail booking and reporting system;

21 (c) Develop and amend as needed standards for allocating grants to
22 city and county jails or law enforcement agencies that will be
23 implementing or reconfiguring electronic jail booking systems.

24 (5)(a) A statewide automated victim information and notification
25 system shall be added to the city and county jail booking and reporting
26 system. The system shall:

27 (i) Automatically notify a registered victim via the victim's
28 choice of telephone, letter, or e-mail when any of the following events
29 affect an offender housed in any Washington state city or county jail
30 or department of corrections facility:

31 (A) Is transferred or assigned to another facility;

32 (B) Is transferred to the custody of another agency outside the
33 state;

34 (C) Is given a different security classification;

35 (D) Is released on temporary leave or otherwise;

36 (E) Is discharged;

37 (F) Has escaped; or

1 (G) Has been served with a protective order that was requested by
2 the victim;

3 (ii) Automatically notify a registered victim via the victim's
4 choice of telephone, letter, or e-mail when an offender has:

5 (A) An upcoming court event where the victim is entitled to be
6 present, if the court information is made available to the statewide
7 automated victim information and notification system administrator at
8 the Washington association of sheriffs and police chiefs;

9 (B) An upcoming parole, pardon, or community supervision hearing;
10 or

11 (C) A change in the offender's parole, probation, or community
12 supervision status including:

13 (I) A change in the offender's supervision status; or
14 (II) A change in the offender's address;

15 (iii) Automatically notify a registered victim via the victim's
16 choice of telephone, letter, or e-mail when a sex offender has:

17 (A) Updated his or her profile information with the state sex
18 offender registry; or

19 (B) Become noncompliant with the state sex offender registry;

20 (iv) Permit a registered victim to receive the most recent status
21 report for an offender in any Washington state city and county jail,
22 department of corrections, or sex offender registry by calling the
23 statewide automated victim information and notification system on a
24 toll-free telephone number or by accessing the statewide automated
25 victim information and notification system via a public web site. All
26 registered victims calling the statewide automated victim information
27 and notification system will be given the option to have live operator
28 assistance to help use the program on a twenty-four hour, three hundred
29 sixty-five day per year basis;

30 (v) Permit a crime victim to register, or registered victim to
31 update, the victim's registration information for the statewide
32 automated victim information and notification system by calling a toll-
33 free telephone number or by accessing a public web site; and

34 (vi) Ensure that the offender information contained within the
35 statewide automated victim information and notification system is
36 updated frequently to timely notify a crime victim that an offender has
37 been released or discharged or has escaped. However, the failure of
38 the statewide automated victim information and notification system to

1 provide notice to the victim does not establish a separate cause of
2 action by the victim against state officials, local officials, law
3 enforcement officers, or any related correctional authorities.

4 (b) Participation in the statewide automated victim information and
5 notification program satisfies any obligation to notify the crime
6 victim of an offender's custody status and the status of the offender's
7 upcoming court events so long as:

8 (i) Information making offender and case data available is provided
9 on a timely basis to the statewide automated victim information and
10 notification program; and

11 (ii) Information a victim submits to register and participate in
12 the victim notification system is only used for the sole purpose of
13 victim notification.

14 (c) Automated victim information and notification systems in
15 existence and operational as of July 22, 2007, shall not be required to
16 participate in the statewide system.

17 (6) When funded, the (~~Washington association of sheriffs and~~
18 ~~police chiefs~~) attorney general shall implement and operate an
19 electronic statewide unified sex offender notification and registration
20 program. Information submitted to the program by a person for the
21 purpose of receiving notification regarding a registered sex offender,
22 including the person's name, residential address, and e-mail address,
23 are exempt from public inspection and copying under chapter 42.56 RCW.

24 (7) An appointed or elected official, public employee, or public
25 agency as defined in RCW 4.24.470, or combination of units of
26 government and its employees, as provided in RCW 36.28A.010, are immune
27 from civil liability for damages for any release of information or the
28 failure to release information related to the statewide automated
29 victim information and notification system, the electronic statewide
30 unified sex offender notification and registration program, and the
31 jail booking and reporting system as described in this section, so long
32 as the release was without gross negligence. The immunity provided
33 under this subsection applies to the release of relevant and necessary
34 information to other public officials, public employees, or public
35 agencies, and to the general public.

36 **Sec. 409.** RCW 36.28A.050 and 2000 c 3 s 2 are each amended to read
37 as follows:

1 The level of risk posed by the offender to the community; (b) the
2 locations where the offender resides, expects to reside, or is
3 regularly found; and (c) the needs of the affected community members
4 for information to enhance their individual and collective safety.

5 (3) Except for the information specifically required under
6 subsection (5) of this section, local law enforcement agencies shall
7 consider the following guidelines in determining the extent of a public
8 disclosure made under this section: (a) For offenders classified as
9 risk level I, the agency shall share information with other appropriate
10 law enforcement agencies and, if the offender is a student, the public
11 or private school regulated under Title 28A RCW or chapter 72.40 RCW
12 which the offender is attending, or planning to attend. The agency may
13 disclose, upon request, relevant, necessary, and accurate information
14 to any victim or witness to the offense and to any individual community
15 member who lives near the residence where the offender resides, expects
16 to reside, or is regularly found; (b) for offenders classified as risk
17 level II, the agency may also disclose relevant, necessary, and
18 accurate information to public and private schools, child day care
19 centers, family day care providers, public libraries, businesses and
20 organizations that serve primarily children, women, or vulnerable
21 adults, and neighbors and community groups near the residence where the
22 offender resides, expects to reside, or is regularly found; (c) for
23 offenders classified as risk level III, the agency may also disclose
24 relevant, necessary, and accurate information to the public at large;
25 and (d) because more localized notification is not feasible and
26 homeless and transient offenders may present unique risks to the
27 community, the agency may also disclose relevant, necessary, and
28 accurate information to the public at large for offenders registered as
29 homeless or transient.

30 (4) The county sheriff with whom an offender classified as risk
31 level III is registered shall cause to be published by legal notice,
32 advertising, or news release a sex offender community notification that
33 conforms to the guidelines established under RCW 4.24.5501 in at least
34 one legal newspaper with general circulation in the area of the sex
35 offender's registered address or location. Unless the information is
36 posted on the web site described in subsection (5) of this section,
37 this list shall be maintained by the county sheriff on a publicly
38 accessible web site and shall be updated at least once per month.

1 (5)(a) When funded by federal grants or other sources, the
2 (~~Washington association of sheriffs and police chiefs~~) attorney
3 general shall create and maintain a statewide registered kidnapping and
4 sex offender web site, which shall be available to the public. The web
5 site shall post all level III and level II registered sex offenders,
6 level I registered sex offenders during the time they are out of
7 compliance with registration requirements under RCW 9A.44.130, and all
8 registered kidnapping offenders in the state of Washington.

9 (i) For level III offenders, the web site shall contain, but is not
10 limited to, the registered sex offender's name, relevant criminal
11 convictions, address by hundred block, physical description, and
12 photograph. The web site shall provide mapping capabilities that
13 display the sex offender's address by hundred block on a map. The web
14 site shall allow citizens to search for registered sex offenders within
15 the state of Washington by county, city, zip code, last name, and
16 address by hundred block.

17 (ii) For level II offenders, and level I sex offenders during the
18 time they are out of compliance with registration requirements under
19 RCW 9A.44.130, the web site shall contain, but is not limited to, the
20 same information and functionality as described in (a)(i) of this
21 subsection, provided that it is permissible under state and federal
22 law. If it is not permissible, the web site shall be limited to the
23 information and functionality that is permissible under state and
24 federal law.

25 (iii) For kidnapping offenders, the web site shall contain, but is
26 not limited to, the same information and functionality as described in
27 (a)(i) of this subsection, provided that it is permissible under state
28 and federal law. If it is not permissible, the web site shall be
29 limited to the information and functionality that is permissible under
30 state and federal law.

31 (b) Until the implementation of (a) of this subsection, the
32 (~~Washington association of sheriffs and police chiefs~~) attorney
33 general shall create a web site available to the public that provides
34 electronic links to county-operated web sites that offer sex offender
35 registration information.

36 (6) Local law enforcement agencies that disseminate information
37 pursuant to this section shall: (a) Review available risk level
38 classifications made by the department of corrections, the department

1 of social and health services, and the indeterminate sentence review
2 board; (b) assign risk level classifications to all offenders about
3 whom information will be disseminated; and (c) make a good faith effort
4 to notify the public and residents within a reasonable period of time
5 after the offender registers with the agency. The juvenile court shall
6 provide local law enforcement officials with all relevant information
7 on offenders allowed to remain in the community in a timely manner.

8 (7) An appointed or elected public official, public employee, or
9 public agency as defined in RCW 4.24.470, or units of local government
10 and its employees, as provided in RCW 36.28A.010, are immune from civil
11 liability for damages for any discretionary risk level classification
12 decisions or release of relevant and necessary information, unless it
13 is shown that the official, employee, or agency acted with gross
14 negligence or in bad faith. The immunity in this section applies to
15 risk level classification decisions and the release of relevant and
16 necessary information regarding any individual for whom disclosure is
17 authorized. The decision of a local law enforcement agency or official
18 to classify an offender to a risk level other than the one assigned by
19 the department of corrections, the department of social and health
20 services, or the indeterminate sentence review board, or the release of
21 any relevant and necessary information based on that different
22 classification shall not, by itself, be considered gross negligence or
23 bad faith. The immunity provided under this section applies to the
24 release of relevant and necessary information to other public
25 officials, public employees, or public agencies, and to the general
26 public.

27 (8) Except as may otherwise be provided by law, nothing in this
28 section shall impose any liability upon a public official, public
29 employee, or public agency for failing to release information
30 authorized under this section.

31 (9) Nothing in this section implies that information regarding
32 persons designated in subsection (1) of this section is confidential
33 except as may otherwise be provided by law.

34 (10) When a local law enforcement agency or official classifies an
35 offender differently than the offender is classified by the end of
36 sentence review committee or the department of social and health
37 services at the time of the offender's release from confinement, the

1 law enforcement agency or official shall notify the end of sentence
2 review committee or the department of social and health services and
3 submit its reasons supporting the change in classification.

4 **Sex Offender Records Retention**

5 **Sec. 412.** RCW 40.14.070 and 2011 c 60 s 18 are each amended to
6 read as follows:

7 (1)(a) County, municipal, and other local government agencies may
8 request authority to destroy noncurrent public records having no
9 further administrative or legal value by submitting to the division of
10 archives and records management lists of such records on forms prepared
11 by the division. The archivist, a representative appointed by the
12 state auditor, and a representative appointed by the attorney general
13 shall constitute a committee, known as the local records committee,
14 which shall review such lists and which may veto the destruction of any
15 or all items contained therein.

16 (b) A local government agency, as an alternative to submitting
17 lists, may elect to establish a records control program based on
18 recurring disposition schedules recommended by the agency to the local
19 records committee. The schedules are to be submitted on forms provided
20 by the division of archives and records management to the local records
21 committee, which may either veto, approve, or amend the schedule.
22 Approval of such schedule or amended schedule shall be by unanimous
23 vote of the local records committee. Upon such approval, the schedule
24 shall constitute authority for the local government agency to destroy
25 the records listed thereon, after the required retention period, on a
26 recurring basis until the schedule is either amended or revised by the
27 committee.

28 (2)(a) Except as otherwise provided by law, no public records shall
29 be destroyed until approved for destruction by the local records
30 committee. Official public records shall not be destroyed unless:

31 (i) The records are six or more years old;

32 (ii) The department of origin of the records has made a
33 satisfactory showing to the state records committee that the retention
34 of the records for a minimum of six years is both unnecessary and
35 uneconomical, particularly where lesser federal retention periods for

1 records generated by the state under federal programs have been
2 established; or

3 (iii) The originals of official public records less than six years
4 old have been copied or reproduced by any photographic, photostatic,
5 microfilm, miniature photographic, or other process approved by the
6 state archivist which accurately reproduces or forms a durable medium
7 for so reproducing the original.

8 An automatic reduction of retention periods from seven to six years
9 for official public records on record retention schedules existing on
10 June 10, 1982, shall not be made, but the same shall be reviewed
11 individually by the local records committee for approval or disapproval
12 of the change to a retention period of six years.

13 The state archivist may furnish appropriate information,
14 suggestions, and guidelines to local government agencies for their
15 assistance in the preparation of lists and schedules or any other
16 matter relating to the retention, preservation, or destruction of
17 records under this chapter. The local records committee may adopt
18 appropriate regulations establishing procedures to be followed in such
19 matters.

20 Records of county, municipal, or other local government agencies,
21 designated by the archivist as of primarily historical interest, may be
22 transferred to a recognized depository agency.

23 (b)(i) Records of investigative reports prepared by any state,
24 county, municipal, or other law enforcement agency pertaining to sex
25 offenders contained in chapter 9A.44 RCW or sexually violent offenses
26 as defined in RCW 71.09.020 that are not required in the current
27 operation of the law enforcement agency or for pending judicial
28 proceedings shall, following the expiration of the applicable schedule
29 of the law enforcement agency's retention of the records, be
30 transferred to the (~~Washington association of sheriffs and police~~
31 ~~chiefs~~) attorney general for permanent electronic retention and
32 retrieval. Upon electronic retention of any document, the
33 (~~association~~) attorney general shall be permitted to destroy the
34 paper copy of the document.

35 (ii) Any sealed record transferred to the (~~Washington association~~
36 ~~of sheriffs and police chiefs~~) attorney general for permanent
37 electronic retention and retrieval, including records sealed after

1 transfer, shall be electronically retained in such a way that the
2 record is clearly marked as sealed.

3 (iii) The (~~Washington association of sheriffs and police chiefs~~)
4 attorney general shall be permitted to destroy both the paper copy and
5 electronic record of any offender verified as deceased.

6 (c) Any record transferred to the (~~Washington association of~~
7 ~~sheriffs and police chiefs~~) attorney general pursuant to (b) of this
8 subsection shall be deemed to no longer constitute a public record
9 pursuant to RCW 42.56.010 and shall be exempt from public disclosure.
10 Such records shall be disseminated only to criminal justice agencies as
11 defined in RCW 10.97.030 for the purpose of determining if a sex
12 offender met the criteria of a sexually violent predator as defined in
13 chapter 71.09 RCW and the end-of-sentence review committee as defined
14 by RCW 72.09.345 for the purpose of fulfilling its duties under RCW
15 71.09.025 and 9.95.420.

16 Electronic records marked as sealed shall only be accessible by
17 criminal justice agencies as defined in RCW 10.97.030 who would
18 otherwise have access to a sealed paper copy of the document, the end-
19 of-sentence review committee as defined by RCW 72.09.345 for the
20 purpose of fulfilling its duties under RCW 71.09.025 and 9.95.420, and
21 the system administrator for the purposes of system administration and
22 maintenance.

23 (3) Except as otherwise provided by law, county, municipal, and
24 other local government agencies may, as an alternative to destroying
25 noncurrent public records having no further administrative or legal
26 value, donate the public records to the state library, local library,
27 historical society, genealogical society, or similar society or
28 organization.

29 Public records may not be donated under this subsection unless:

30 (a) The records are seventy years old or more;

31 (b) The local records committee has approved the destruction of the
32 public records; and

33 (c) The state archivist has determined that the public records have
34 no historic interest.

35 **Washington Auto Theft Prevention Authority**

1 **Sec. 413.** RCW 36.28A.130 and 2007 c 199 s 19 are each amended to
2 read as follows:

3 There is hereby created in the (~~Washington association of sheriffs~~
4 ~~and police chiefs~~) office of the attorney general the Washington auto
5 theft prevention authority which shall be under the direction of the
6 (~~executive director of the Washington association of sheriffs and~~
7 ~~police chiefs~~) attorney general.

8 **Sec. 414.** RCW 46.66.010 and 2007 c 199 s 20 are each amended to
9 read as follows:

10 (1) The Washington auto theft prevention authority is established.
11 The authority shall consist of the following members, appointed by the
12 governor:

13 (a) The (~~executive director of the Washington association of~~
14 ~~sheriffs and police chiefs, or the executive director's~~) attorney
15 general or the attorney general's designee;

16 (b) The chief of the Washington state patrol, or the chief's
17 designee;

18 (c) Two police chiefs;

19 (d) Two sheriffs;

20 (e) One prosecuting attorney;

21 (f) A representative from the insurance industry who is responsible
22 for writing property and casualty liability insurance in the state of
23 Washington;

24 (g) A representative from the automobile industry; and

25 (h) One member of the general public.

26 (2) In addition, the authority may, where feasible, consult with
27 other governmental entities or individuals from the public and private
28 sector in carrying out its duties under this section.

29 **Sec. 415.** RCW 46.66.020 and 2007 c 199 s 21 are each amended to
30 read as follows:

31 (1) The Washington auto theft prevention authority shall initially
32 convene at the call of the (~~executive director of the Washington~~
33 ~~association of sheriffs and police chiefs, or the executive director's~~
34 ~~designee, no later than the third Monday in January 2008. Subsequent~~
35 ~~meetings of the authority shall be at the call of the~~) chair or seven
36 members.

1 (2) The authority shall annually elect a chairperson and other such
2 officers as it deems appropriate from its membership.

3 (3) Members of the authority shall serve terms of four years each
4 on a staggered schedule to be established by the first authority. For
5 purposes of initiating a staggered schedule of terms, some members of
6 the first authority may initially serve two years and some members may
7 initially serve four years.

8 NEW SECTION. **Sec. 416.** RCW 36.28A.130 is recodified as a section
9 in chapter 43.10 RCW.

10 **PART 5**

11 **PROGRAMS TRANSFERRED FROM THE CRIMINAL JUSTICE TRAINING COMMISSION**

12 **Statewide Drug Prosecution Assistance Program**

13 **Sec. 501.** RCW 36.27.100 and 2010 c 271 s 501 are each amended to
14 read as follows:

15 The legislature recognizes that, due to the magnitude or volume of
16 offenses in a given area of the state, there is a recurring need for
17 supplemental assistance in the prosecuting of drug and drug-related
18 offenses that can be directed to the area of the state with the
19 greatest need for short-term assistance. A statewide drug prosecution
20 assistance program is created within the (~~criminal justice training~~
21 ~~commission~~)) office of the attorney general to assist county
22 prosecuting attorneys in the prosecution of drug and drug-related
23 offenses.

24 **PART 6**

25 **PROGRAMS TRANSFERRED FROM THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

26 **Shelters for Victims of Domestic Violence**

27 **Sec. 601.** RCW 70.123.020 and 2008 c 6 s 303 are each amended to
28 read as follows:

29 Unless the context clearly requires otherwise, the definitions in
30 this section apply throughout this chapter.

1 (1) "Shelter" means a place of temporary refuge, offered on a
2 twenty-four hour, seven day per week basis to victims of domestic
3 violence and their children.

4 (2) "Domestic violence" is a categorization of offenses, as defined
5 in RCW 10.99.020, committed by one cohabitant against another.

6 (~~(3) ("Department" means the department of social and health
7 services.~~

8 ~~(4))~~ "Victim" means a cohabitant who has been subjected to
9 domestic violence.

10 ~~((5))~~ (4) "Cohabitant" means a person who is or was married, in
11 a state registered domestic partnership, or cohabiting with another
12 person in an intimate or dating relationship at the present or at
13 sometime in the past. Any person who has one or more children in
14 common with another person, regardless of whether they have been
15 married, in a domestic partnership with each other, or lived together
16 at any time, shall be treated as a cohabitant.

17 ~~((6))~~ (5) "Community advocate" means a person employed by a local
18 domestic violence program to provide ongoing assistance to victims of
19 domestic violence in assessing safety needs, documenting the incidents
20 and the extent of violence for possible use in the legal system, making
21 appropriate social service referrals, and developing protocols and
22 maintaining ongoing contacts necessary for local systems coordination.

23 ~~((7))~~ (6) "Domestic violence program" means an agency that
24 provides shelter, advocacy, and counseling for domestic violence
25 victims in a supportive environment.

26 ~~((8))~~ (7) "Legal advocate" means a person employed by a domestic
27 violence program or court system to advocate for victims of domestic
28 violence, within the criminal and civil justice systems, by attending
29 court proceedings, assisting in document and case preparation, and
30 ensuring linkage with the community advocate.

31 (8) "Office" means the office of the attorney general.

32 (9) "Secretary" means the secretary of the department of social and
33 health services or the secretary's designee.

34 **Sec. 602.** RCW 70.123.030 and 2005 c 374 s 4 are each amended to
35 read as follows:

36 The (~~department of social and health services~~) attorney general,

1 in consultation with the state department of health, and individuals or
2 groups having experience and knowledge of the problems of victims of
3 domestic violence, shall:

4 (1) Establish minimum standards for shelters applying for grants
5 from the ((department)) office under this chapter. Classifications may
6 be made dependent upon size, geographic location, and population needs;

7 (2) Receive grant applications for the development and
8 establishment of shelters for victims of domestic violence;

9 (3) Distribute funds, within forty-five days after approval, to
10 those shelters meeting ((departmental)) office standards;

11 (4) Evaluate biennially each shelter receiving ((departmental))
12 office funds for compliance with the established minimum standards;

13 (5) Review the minimum standards each biennium to ensure
14 applicability to community and client needs; and

15 (6) Administer funds available from the domestic violence
16 prevention account under RCW 70.123.150 and establish minimum standards
17 for preventive, nonshelter community-based services receiving funds
18 administered by the ((department)) office. Preventive, nonshelter
19 community-based services include services for victims of domestic
20 violence from communities that have been traditionally underserved or
21 unserved and services for children who have witnessed domestic
22 violence.

23 **Sec. 603.** RCW 70.123.040 and 2006 c 259 s 3 are each amended to
24 read as follows:

25 (1) Minimum standards established by the ((department)) office
26 under RCW 70.123.030 shall ensure that shelters receiving grants under
27 this chapter provide services meeting basic survival needs, where not
28 provided by other means, such as, but not limited to, food, clothing,
29 housing, safety, security, client advocacy, client confidentiality, and
30 counseling. These services shall be problem-oriented and designed to
31 provide necessary assistance to the victims of domestic violence and
32 their children.

33 (2) The ((department)) office shall establish minimum standards
34 that ensure that nonshelter community-based services for victims of
35 domestic violence funded under RCW 70.123.150 provide services designed
36 to enhance safety and security by means such as, but not limited to,
37 client advocacy, client confidentiality, and counseling.

1 **Sec. 604.** RCW 70.123.050 and 1979 ex.s. c 245 s 5 are each amended
2 to read as follows:

3 The ((~~department~~)) attorney general shall contract, where
4 appropriate, with public or private nonprofit groups or organizations
5 with experience and expertise in the field of domestic violence to:

6 (1) Develop and implement an educational program designed to
7 promote public and professional awareness of the problems of domestic
8 violence and of the availability of services for victims of domestic
9 violence. Particular emphasis should be given to the education needs
10 of law enforcement agencies, the legal system, the medical profession,
11 and other relevant professions that are engaged in the prevention,
12 identification, and treatment of domestic violence;

13 (2) Maintain a directory of temporary shelters and other direct
14 service facilities for the victims of domestic violence which is
15 current, complete, detailed, and available, as necessary, to provide
16 useful referral services to persons seeking help on an emergency basis;

17 (3) Create a statewide toll-free telephone number that would
18 provide information and referral to victims of domestic violence;

19 (4) Provide opportunities to persons working in the area of
20 domestic violence to exchange information; and

21 (5) Provide training opportunities for both volunteer workers and
22 staff personnel.

23 **Sec. 605.** RCW 70.123.080 and 1979 ex.s. c 245 s 8 are each amended
24 to read as follows:

25 The ((~~department~~)) attorney general shall consult in all phases
26 with persons and organizations having experience and expertise in the
27 field of domestic violence.

28 **Sec. 606.** RCW 70.123.090 and 1979 ex.s. c 245 s 9 are each amended
29 to read as follows:

30 The ((~~department~~)) office is authorized, under this chapter and the
31 rules adopted to effectuate its purposes, to make available grants
32 awarded on a contract basis to public or private nonprofit agencies,
33 organizations, or individuals providing shelter services meeting
34 minimum standards established by the ((~~department~~)) office.
35 Consideration as to need, geographic location, population ratios, and
36 the extent of existing services shall be made in the award of grants.

1 The ((department)) office shall provide technical assistance to any
2 nonprofit organization desiring to apply for the contracts if the
3 organization does not possess the resources and expertise necessary to
4 develop and transmit an application without assistance.

5 **Sec. 607.** RCW 70.123.100 and 1997 c 160 s 1 are each amended to
6 read as follows:

7 The ((department)) office shall seek, receive, and make use of any
8 funds which may be available from federal or other sources in order to
9 augment state funds appropriated for the purpose of this chapter, and
10 shall make every effort to qualify for federal funding.

11 **Sec. 608.** RCW 70.123.110 and 2011 1st sp.s. c 36 s 16 are each
12 amended to read as follows:

13 Aged, blind, or disabled assistance benefits, essential needs and
14 housing support benefits, pregnant women assistance benefits, or
15 temporary assistance for needy families payments shall be made to
16 otherwise eligible individuals who are residing in a secure shelter, a
17 housing network or other shelter facility which provides shelter
18 services to persons who are victims of domestic violence. Provisions
19 shall be made by the ((department)) office for the confidentiality of
20 the shelter addresses where victims are residing.

21 **Sec. 609.** RCW 70.123.130 and 1991 c 301 s 11 are each amended to
22 read as follows:

23 The ((~~department of social and health services~~)) office shall
24 establish a technical assistance grant program to assist local
25 communities in determining how to respond to domestic violence. The
26 goals of the program shall be to coordinate and expand existing
27 services to:

28 (1) Serve any individual affected by domestic violence with the
29 primary focus being the safety of the victim;

30 (2) Assure an integrated, comprehensive, accountable community
31 response that is adequately funded and sensitive to the diverse needs
32 of the community;

33 (3) Create a continuum of services that range from prevention,
34 crisis intervention, and counseling through shelter, advocacy, legal

1 intervention, and representation to longer term support, counseling,
2 and training; and

3 (4) Coordinate the efforts of government, the legal system, the
4 private sector, and a range of service providers, such as doctors,
5 nurses, social workers, teachers, and child care workers.

6 **Sec. 610.** RCW 70.123.140 and 1991 c 301 s 12 are each amended to
7 read as follows:

8 (1) A county or group of counties may apply to the ((department))
9 office for a technical assistance grant to develop a comprehensive
10 county plan for dealing with domestic violence. The county authority
11 may contract with a local nonprofit entity to develop the plan.

12 (2) County comprehensive plans shall be developed in consultation
13 with the ((department)) office, domestic violence programs, schools,
14 law enforcement, and health care, legal, and social service providers
15 that provide services to persons affected by domestic violence.

16 (3) County comprehensive plans shall be based on the following
17 principles:

18 (a) The safety of the victim is primary;

19 (b) The community needs to be well-educated about domestic
20 violence;

21 (c) Those who want to and who should intervene need to know how to
22 do so effectively;

23 (d) Adequate services, both crisis and long-term support, should
24 exist throughout all parts of the county;

25 (e) Police and courts should hold the batterer accountable for his
26 or her crimes;

27 (f) Treatment for batterers should be provided by qualified
28 counselors; and

29 (g) Coordination teams are needed to ensure that the system
30 continues to work over the coming decades.

31 (4) County comprehensive plans shall provide for the following:

32 (a) Public education about domestic violence;

33 (b) Training for professionals on how to recognize domestic
34 violence and assist those affected by it;

35 (c) Development of protocols among agencies so that professionals
36 respond to domestic violence in an effective, consistent manner;

1 (d) Development of services to victims of domestic violence and
2 their families, including shelters, safe homes, transitional housing,
3 community and legal advocates, and children's services; and

4 (e) Local and regional teams to oversee implementation of the
5 system, ensure that efforts continue over the years, and assist with
6 day-to-day and system-wide coordination.

7 **PART 7**

8 **ADMINISTRATIVE AND MISCELLANEOUS PROVISIONS**

9 NEW SECTION. **Sec. 701.** (1)(a) All powers, duties, and functions
10 of programs of the various named entities as provided in this
11 subsection (1) are transferred to the office of the attorney general.

12 (b) The following programs are transferred from the department of
13 commerce: (i) Sexual assault grants; (ii) prostitution prevention and
14 intervention; (iii) financial fraud and identity theft crimes
15 investigation and prosecution program; and (iv) community mobilization
16 against substance abuse.

17 (c) The crime victims' compensation program is transferred from the
18 department of labor and industries.

19 (d) The address confidentiality program is transferred from the
20 office of the secretary of state.

21 (e) The following programs are transferred from the Washington
22 association of sheriffs and police chiefs: (i) Registered sex offender
23 and kidnapping offender address and residency verification grant
24 program; (ii) uniform crime reporting; (iii) missing persons web site;
25 (iv) jail booking and reporting system; (v) sex offender web site; (vi)
26 sex offender records retention; and (vii) Washington auto theft
27 prevention authority.

28 (f) The statewide drug prosecution assistance program is
29 transferred from the criminal justice training commission.

30 (g) The program for shelters for victims of domestic violence is
31 transferred from the department of social and health services.

32 (2)(a) All reports, documents, surveys, books, records, files,
33 papers, or written material in the possession of the entities named in
34 subsection (1) of this section pertaining to the powers, duties, and
35 functions transferred shall be delivered to the custody of the office
36 of the attorney general. All cabinets, furniture, office equipment,

1 motor vehicles, and other tangible property employed by the entities
2 named in subsection (1) of this section in carrying out the powers,
3 duties, and functions transferred shall be made available to the office
4 of the attorney general. All funds, credits, or other assets held in
5 connection with the powers, duties, and functions transferred shall be
6 assigned to the office of the attorney general.

7 (b) Any appropriations made to the entities named in subsection (1)
8 of this section for carrying out the powers, duties, and functions
9 transferred shall, on the effective date of this section, be
10 transferred and credited to the office of the attorney general.

11 (c) If any question arises as to the transfer of any personnel,
12 funds, books, documents, records, papers, files, equipment, or other
13 tangible property used or held in the exercise of the powers and the
14 performance of the duties and functions transferred, the director of
15 financial management shall make a determination as to the proper
16 allocation and certify the same to the state agencies concerned.

17 (3) All rules and all pending business before the entities named in
18 subsection (1) of this section pertaining to the powers, duties, and
19 functions transferred shall be continued and acted upon by the office
20 of the attorney general. All existing contracts and obligations shall
21 remain in full force and shall be performed by the office of the
22 attorney general.

23 (4) The transfer of the powers, duties, functions, and personnel of
24 the entities named in subsection (1) of this section shall not affect
25 the validity of any act performed before the effective date of this
26 section.

27 (5) If apportionments of budgeted funds are required because of the
28 transfers directed by this section, the director of financial
29 management shall certify the apportionments to the agencies affected,
30 the state auditor, and the state treasurer. Each of these shall make
31 the appropriate transfer and adjustments in funds and appropriation
32 accounts and equipment records in accordance with the certification.

33 (6) All employees of the various entities named in subsection (1)
34 of this section engaged in performing the powers, duties, and functions
35 transferred to the office of the attorney general, are transferred to
36 the office of the attorney general. All employees classified under
37 chapter 41.06 RCW, the state civil service law, are assigned to the
38 office of the attorney general to perform their usual duties upon the

1 same terms as formerly, without any loss of rights, subject to any
2 action that may be appropriate thereafter in accordance with the laws
3 and rules governing state civil service law.

4 (7) Unless or until modified by the public employment relations
5 commission pursuant to section 702 of this act:

6 (a) The portions of the bargaining units of employees at the
7 various entities named in subsection (1) of this section existing on
8 the effective date of this section shall be considered appropriate
9 units at the office of the attorney general and will be so certified by
10 the public employment relations commission.

11 (b) The exclusive bargaining representatives recognized as
12 representing the portions of the bargaining units of employees at the
13 various entities named in subsection (1) of this section existing on
14 the effective date of this section shall continue as the exclusive
15 bargaining representatives of the transferred bargaining units without
16 the necessity of an election.

17 NEW SECTION. **Sec. 702.** (1) By January 1, 2013, the public
18 employment relations commission may review the appropriateness of the
19 collective bargaining units transferred under section 701 of this act.
20 The employer or the exclusive bargaining representative may petition
21 the public employment relations commission to review the bargaining
22 units in accordance with this section.

23 (2) If the commission determines that an existing collective
24 bargaining unit is appropriate pursuant to RCW 41.80.070, the exclusive
25 bargaining representative certified to represent the bargaining unit
26 before January 1, 2013, shall continue as the exclusive bargaining
27 representative without the necessity of an election.

28 (3) If the commission determines that existing collective
29 bargaining units are not appropriate, the commission may modify the
30 units and order an election pursuant to RCW 41.80.080. Certified
31 bargaining representatives will not be required to demonstrate a
32 showing of interest to be included on the ballot.

33 (4) The commission may require an election pursuant to RCW
34 41.80.080 if similarly situated employees are represented by more than
35 one employee organization. Certified bargaining representatives will
36 not be required to demonstrate a showing of interest to be included on
37 the ballot.

1 NEW SECTION. **Sec. 703.** Sections 123, 124, and 219 of this act
2 expire July 1, 2015.

3 NEW SECTION. **Sec. 704.** Section 220 of this act takes effect July
4 1, 2015.

5 NEW SECTION. **Sec. 705.** Except for sections 220 and 702 of this
6 act, this act takes effect July 1, 2013.

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