
ENGROSSED SENATE BILL 5573

State of Washington

66th Legislature

2019 Regular Session

By Senators Warnick, Hunt, Fortunato, Takko, Zeiger, Wilson, C., Hasegawa, Walsh, Schoesler, McCoy, Honeyford, Rolfes, Sheldon, Lias, Darneille, Keiser, Nguyen, Saldaña, Van De Wege, and Wilson, L.

Read first time 01/24/19. Referred to Committee on Human Services, Reentry & Rehabilitation.

1 AN ACT Relating to traumatic brain injuries in domestic violence
2 cases; amending RCW 10.99.030; and adding a new section to chapter
3 74.31 RCW.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 74.31
6 RCW to read as follows:

7 (1) The department, in consultation with the council and at least
8 one representative of a community-based domestic violence program and
9 one medical professional with experience treating survivors of
10 domestic violence, shall develop recommendations to improve the
11 statewide response to traumatic brain injuries suffered by domestic
12 violence survivors. In developing recommendations, the department may
13 consider the creation of an educational handout, to be updated on a
14 periodic basis, regarding traumatic brain injury to be provided to
15 victims of domestic violence. The handout may include the information
16 and screening tool described in subsection (2) of this section.

17 (2)(a) The department, in consultation with the council, shall
18 establish and recommend or develop content for a statewide web site
19 for victims of domestic violence to include:

20 (i) An explanation of the potential for domestic abuse to lead to
21 traumatic brain injury;

1 (ii) Information on recognizing cognitive, behavioral, and
2 physical symptoms of traumatic brain injury as well as potential
3 impacts to a person's emotional well-being and mental health;

4 (iii) A self-screening tool for traumatic brain injury; and

5 (iv) Recommendations for persons with traumatic brain injury to
6 help address or cope with the injury.

7 (b) The department must update the web site created under this
8 subsection on a periodic basis.

9 **Sec. 2.** RCW 10.99.030 and 2016 c 136 s 5 are each amended to
10 read as follows:

11 (1) All training relating to the handling of domestic violence
12 complaints by law enforcement officers shall stress enforcement of
13 criminal laws in domestic situations, availability of community
14 resources, and protection of the victim. Law enforcement agencies and
15 community organizations with expertise in the issue of domestic
16 violence shall cooperate in all aspects of such training.

17 (2) The criminal justice training commission shall implement by
18 January 1, 1997, a course of instruction for the training of law
19 enforcement officers in Washington in the handling of domestic
20 violence complaints. The basic law enforcement curriculum of the
21 criminal justice training commission shall include at least twenty
22 hours of basic training instruction on the law enforcement response
23 to domestic violence. The course of instruction, the learning and
24 performance objectives, and the standards for the training shall be
25 developed by the commission and focus on enforcing the criminal laws,
26 safety of the victim, and holding the perpetrator accountable for the
27 violence. The curriculum shall include training on the extent and
28 prevalence of domestic violence, the importance of criminal justice
29 intervention, techniques for responding to incidents that minimize
30 the likelihood of officer injury and that promote victim safety,
31 investigation and interviewing skills, evidence gathering and report
32 writing, assistance to and services for victims and children,
33 understanding the risks of traumatic brain injury posed by domestic
34 violence, verification and enforcement of court orders, liability,
35 and any additional provisions that are necessary to carry out the
36 intention of this subsection.

37 (3) The criminal justice training commission shall develop and
38 update annually an in-service training program to familiarize law
39 enforcement officers with the domestic violence laws. The program

1 shall include techniques for handling incidents of domestic violence
2 that minimize the likelihood of injury to the officer and that
3 promote the safety of all parties. The commission shall make the
4 training program available to all law enforcement agencies in the
5 state.

6 (4) Development of the training in subsections (2) and (3) of
7 this section shall be conducted in conjunction with agencies having a
8 primary responsibility for serving victims of domestic violence with
9 emergency shelter and other services, and representatives to the
10 statewide organization providing training and education to these
11 organizations and to the general public.

12 (5) The primary duty of peace officers, when responding to a
13 domestic violence situation, is to enforce the laws allegedly
14 violated and to protect the complaining party.

15 (6) (a) When a peace officer responds to a domestic violence call
16 and has probable cause to believe that a crime has been committed,
17 the peace officer shall exercise arrest powers with reference to the
18 criteria in RCW 10.31.100. The officer shall notify the victim of the
19 victim's right to initiate a criminal proceeding in all cases where
20 the officer has not exercised arrest powers or decided to initiate
21 criminal proceedings by citation or otherwise. The parties in such
22 cases shall also be advised of the importance of preserving evidence.

23 (b) A peace officer responding to a domestic violence call shall
24 take a complete offense report including the officer's disposition of
25 the case.

26 (7) When a peace officer responds to a domestic violence call,
27 the officer shall:

28 (a) Advise victims of all reasonable means to prevent further
29 abuse, including advising each person of the availability of a
30 shelter or other services in the community, and giving each person
31 immediate notice of the legal rights and remedies available. The
32 notice shall include handing each person a copy of the following
33 statement:

34 "IF YOU ARE THE VICTIM OF DOMESTIC VIOLENCE, you can ask the
35 city or county prosecuting attorney to file a criminal
36 complaint. You also have the right to file a petition in
37 superior, district, or municipal court requesting an order
38 for protection from domestic abuse which could include any of
39 the following: (a) An order restraining your abuser from

1 further acts of abuse; (b) an order directing your abuser to
2 leave your household; (c) an order preventing your abuser
3 from entering your residence, school, business, or place of
4 employment; (d) an order awarding you or the other parent
5 custody of or visitation with your minor child or children;
6 and (e) an order restraining your abuser from molesting or
7 interfering with minor children in your custody. The forms
8 you need to obtain a protection order are available in any
9 municipal, district, or superior court.

10 Information about shelters and alternatives to domestic
11 violence is available from a statewide twenty-four-hour toll-
12 free hotline at (include appropriate phone number). The
13 battered women's shelter and other resources in your area
14 are (include local information)"; and

15 (b) Inform victims that information on traumatic brain injury can
16 be found on the statewide web site developed under section 1 of this
17 act.

18 (8) The peace officer may offer, arrange, or facilitate
19 transportation for the victim to a hospital for treatment of injuries
20 or to a place of safety or shelter.

21 (9) The law enforcement agency shall forward the offense report
22 to the appropriate prosecutor within ten days of making such report
23 if there is probable cause to believe that an offense has been
24 committed, unless the case is under active investigation. Upon
25 receiving the offense report, the prosecuting agency may, in its
26 discretion, choose not to file the information as a domestic violence
27 offense, if the offense was committed against a sibling, parent,
28 stepparent, or grandparent.

29 (10) Each law enforcement agency shall make as soon as
30 practicable a written record and shall maintain records of all
31 incidents of domestic violence reported to it.

32 (11) Records kept pursuant to subsections (6) and (10) of this
33 section shall be made identifiable by means of a departmental code
34 for domestic violence.

35 (12) Commencing January 1, 1994, records of incidents of domestic
36 violence shall be submitted, in accordance with procedures described
37 in this subsection, to the Washington association of sheriffs and
38 police chiefs by all law enforcement agencies. The Washington
39 criminal justice training commission shall amend its contract for

1 collection of statewide crime data with the Washington association of
2 sheriffs and police chiefs:

3 (a) To include a table, in the annual report of crime in
4 Washington produced by the Washington association of sheriffs and
5 police chiefs pursuant to the contract, showing the total number of
6 actual offenses and the number and percent of the offenses that are
7 domestic violence incidents for the following crimes: (i) Criminal
8 homicide, with subtotals for murder and nonnegligent homicide and
9 manslaughter by negligence; (ii) forcible rape, with subtotals for
10 rape by force and attempted forcible rape; (iii) robbery, with
11 subtotals for firearm, knife or cutting instrument, or other
12 dangerous weapon, and strongarm robbery; (iv) assault, with subtotals
13 for firearm, knife or cutting instrument, other dangerous weapon,
14 hands, feet, aggravated, and other nonaggravated assaults; (v)
15 burglary, with subtotals for forcible entry, nonforcible unlawful
16 entry, and attempted forcible entry; (vi) larceny theft, except motor
17 vehicle theft; (vii) motor vehicle theft, with subtotals for autos,
18 trucks and buses, and other vehicles; (viii) arson; and (ix)
19 violations of the provisions of a protection order or no-contact
20 order restraining the person from going onto the grounds of or
21 entering a residence, workplace, school, or day care, provided that
22 specific appropriations are subsequently made for the collection and
23 compilation of data regarding violations of protection orders or no-
24 contact orders;

25 (b) To require that the table shall continue to be prepared and
26 contained in the annual report of crime in Washington until that time
27 as comparable or more detailed information about domestic violence
28 incidents is available through the Washington state incident based
29 reporting system and the information is prepared and contained in the
30 annual report of crime in Washington; and

31 (c) To require that, in consultation with interested persons, the
32 Washington association of sheriffs and police chiefs prepare and
33 disseminate procedures to all law enforcement agencies in the state
34 as to how the agencies shall code and report domestic violence
35 incidents to the Washington association of sheriffs and police
36 chiefs.

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