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**SECOND SUBSTITUTE SENATE BILL 5327**

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**State of Washington**

**67th Legislature**

**2021 Regular Session**

**By** Senate Ways & Means (originally sponsored by Senators Brown, Frockt, Lovelett, Rivers, Short, Warnick, and Wellman)

READ FIRST TIME 02/22/21.

1 AN ACT Relating to a confidential youth safety and well-being tip  
2 line; adding a new chapter to Title 43 RCW; and prescribing  
3 penalties.

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

5 NEW SECTION. **Sec. 1.** The definitions in this section apply  
6 throughout this chapter unless the context clearly requires  
7 otherwise.

8 (1) "Attorney general" means the office of the Washington state  
9 attorney general.

10 (2)(a) "Service provider" means a person or entity participating  
11 in the YES tip line program and YES tip line established in section 2  
12 of this act by:

13 (i) Providing direct assistance to persons referred through the  
14 YES tip line's operations; and

15 (ii) Implementing a coordinated response to the YES tip line  
16 referral according to the protocols and procedures of the YES tip  
17 line program.

18 (b) Service providers include, but are not limited to, behavioral  
19 health providers, community mental health entities, schools, and  
20 postsecondary institutions.

1 (3) "Vendor" means the entity contracted to operate the YES tip  
2 line under section 3 of this act.

3 (4) "Warm transfer" means the timely referral by the YES tip line  
4 staff to the service provider in response to a tip. A warm transfer  
5 includes, but is not limited to, a direct and successful connection  
6 between the person supplying the tip and the service provider, and,  
7 when appropriate, an alert to emergency services or other responding  
8 entities as required by the YES tip line response procedures.

9 (5) "YES tip line" means the youth empowered to speak-up  
10 statewide resource designed to accept information concerning risks to  
11 the safety or well-being of youth as part of the YES tip line program  
12 established in section 2 of this act and operated by the YES tip line  
13 vendor.

14 (6) "Youth" means any person or persons less than 25 years old.

15 NEW SECTION. **Sec. 2.** (1) Subject to the availability of amounts  
16 appropriated for this specific purpose, the attorney general shall  
17 establish a program for receiving and responding to tips from the  
18 public regarding risks or potential risks to the safety or well-being  
19 of youth, called the YES tip line program. Risks to safety or well-  
20 being may include, but are not limited to, harm or threats of harm to  
21 self or others, sexual abuse, assault, rape, bullying or  
22 cyberbullying, substance use, and criminal acts. The attorney general  
23 shall establish the program within the guidelines of this chapter.

24 (2)(a) The YES tip line program must include a YES tip line for  
25 receiving reports and information described in subsection (1) of this  
26 section. Any person contacting the YES tip line, whether for  
27 themselves or for another person, must receive timely assistance and  
28 not be turned away.

29 (b) The YES tip line shall be operated by a vendor selected by  
30 the attorney general through the contracting process described in  
31 section 3 of this act.

32 (3)(a) During the development and implementation of the YES tip  
33 line program the attorney general shall convene an advisory committee  
34 consisting of representatives from the Washington state patrol, the  
35 department of health, the health care authority, the office of the  
36 superintendent of public instruction, the Washington student  
37 achievement council, the Washington association of educational  
38 service districts, and other participants the attorney general  
39 appoints.

1 (b) Youth perspectives must be included and consulted in creating  
2 marketing campaigns and materials required for the YES tip line  
3 program. The insights of youth representing marginalized and minority  
4 communities must be prioritized for their invaluable insight.

5 (4) The attorney general oversees and administers the YES tip  
6 line program's operations.

7 (5) The attorney general is authorized to apply for, receive, and  
8 administer grants, gifts, and donations from public and private  
9 entities for the purpose and intent of this chapter. If a gift or  
10 donation is received in the form of property, the attorney general  
11 may liquidate and convert the property into money. Pursuant to RCW  
12 43.88.195, the attorney general may deposit such moneys in a local  
13 account if such an account will facilitate the efficiency of the  
14 program.

15 (6) The attorney general shall develop and implement processes  
16 for:

17 (a) Assessing tips based on the level of severity, urgency, and  
18 assistance needed using best triage practices including the YES tip  
19 line:

20 (i) Risk assessment for referral of persons contacting the YES  
21 tip line to service providers;

22 (ii) Threat assessment that identifies circumstances requiring  
23 the YES tip line to alert law enforcement, mental health services, or  
24 other first responders immediately when immediate emergency response  
25 to a tip is warranted; and

26 (iii) Referral and follow-up on tips to schools or postsecondary  
27 institution teams, local crisis services, law enforcement, and other  
28 entities;

29 (b) YES tip line information data retention and reporting  
30 requirements; and

31 (c) Systematic review, analysis, and reporting by the YES tip  
32 line program of YES tip line data including, but not limited to,  
33 reporting program utilization and evaluating whether the YES tip line  
34 is being implemented equitably across the state.

35 (7) The attorney general shall ensure that YES tip line program  
36 personnel are trained in the following areas:

37 (a) Crisis management, including recognizing mental illness and  
38 emotional disturbance;

39 (b) The resources that are available in the community for  
40 providing mental health treatment and other human services; and

1 (c) Other matters determined by the attorney general to be  
2 relevant to the administration and operation of the program.

3 (8) The YES tip line program must develop and maintain a  
4 reference and best practices tool kit for law enforcement and mental  
5 health officials that:

6 (a) Identifies statewide and community mental health resources,  
7 services, and contacts;

8 (b) Provides the attorney general's best practice recommendations  
9 for case investigations involving safety and well-being of youth to:

10 (i) Assist in identifying whether mental illness or emotional  
11 disturbance may be involved; and

12 (ii) Provide strategies for investigators to use in aiding  
13 subjects and their parents or guardians.

14 (9) The YES tip line program must promote and market the program  
15 and YES tip line to youth, families, community members, schools, and  
16 others statewide to build awareness of the program's resources and  
17 the YES tip line. The attorney general may promote the YES tip line  
18 program and YES tip line and provide promotional materials and  
19 information on the attorney general's website.

20 (10) Except as provided in subsection (9) of this section,  
21 marketing materials must not refer to or use the image or voice of an  
22 elected official, appointed state employee, state employee governed  
23 by a senior executive service limited term employment agreement, or  
24 candidate for elective office.

25 NEW SECTION. **Sec. 3.** (1)(a) The attorney general shall develop  
26 and issue a request for proposals to identify and select a qualified  
27 vendor to operate the YES tip line. The attorney general has sole  
28 authority over the contracting process and the contract award  
29 decision. This subsection does not prohibit the Washington state  
30 patrol or other state or local jurisdiction from submitting a  
31 proposal to operate the YES tip line.

32 (b) Any vendor contracting to perform work necessary to implement  
33 or sustain the YES tip line program must comply with RCW 41.06.142.

34 (2)(a) The YES tip line contract must require the vendor to be  
35 bound by the requirements of this chapter, including the  
36 confidentiality provisions in section 4 of this act.

37 (b) The state of Washington owns the data and information  
38 produced from the YES tip line. The vendor must comply with the  
39 state's data retention, use, and security requirements throughout the

1 contract and for such additional postcontracting use as directed by  
2 the state.

3 (c) (i) The YES tip line must directly integrate service providers  
4 into its operations so that YES tip line staff may provide a warm  
5 transfer of a caller to a service provider to assist them.

6 (ii) The YES tip line operator must collaborate with school  
7 districts and postsecondary education sectors to determine how to  
8 implement the YES tip line and how schools and institutions will  
9 respond when tips are referred. Teams at each school and  
10 postsecondary institutions must be identified and trained by the YES  
11 tip line vendor to respond when they receive a YES tip line referral.

12 (d) The YES tip line must use as many methods of communication  
13 and information formats as possible including, but not limited to,  
14 toll-free telephone or other voice calling, electronic mail, mobile  
15 applications, text messaging, postal mail, photo and video imaging,  
16 and information forwarded through a website as determined by the  
17 attorney general.

18 (e) The YES tip line must be staffed with sufficient personnel  
19 and technical capacity to meet the needs for timely assistance to  
20 persons who contact the YES tip line for assistance 24 hours a day,  
21 365 days a year.

22 NEW SECTION. **Sec. 4.** (1) The identity of the person submitting  
23 a tip is confidential subject to the exceptions provided in this  
24 chapter. Anonymous tips will be accepted if the person submitting the  
25 tip refuses to identify themselves. The YES tip line program must  
26 establish procedures authorizing a breach of confidentiality to trace  
27 the tip so that first responders have necessary information when  
28 there is a specific emergency threat to life.

29 (2) Any report or information submitted to the YES tip line is  
30 confidential, and must not be released except as otherwise provided  
31 in this chapter.

32 (3) The personally identifying information of any person  
33 submitting a tip and the individual or individuals who are the  
34 subject of a tip are not subject to disclosure under chapter 42.56  
35 RCW, the public records act.

36 (4) Any information submitted to the YES tip line and forwarded  
37 by the vendor to a law enforcement official or to a mental health  
38 official is confidential, and must not be released except as

1 otherwise provided in this chapter. The information is not subject to  
2 disclosure under chapter 42.56 RCW, the public records act.

3 (5) A person who intentionally discloses information to another  
4 person in violation of this section is guilty of a misdemeanor  
5 punishable by imprisonment for not more than 90 days or a fine of not  
6 more than \$500, or both.

7 (6) If a risk assessment of a tip to the YES tip line does not  
8 result in a referral to a service provider, or if a law enforcement  
9 investigation concludes that no action is warranted to respond to the  
10 tip, the name of the tip's subject must be expunged from the records  
11 of the entities involved in the YES tip line contact, except as  
12 otherwise provided by law.

13 NEW SECTION. **Sec. 5.** Information regarding a YES tip line  
14 contact, including any personally identifying information, may be  
15 disclosed as follows:

16 (1) By either of the following as necessary for purposes of this  
17 chapter and as necessary to address reports and information received  
18 under this chapter:

19 (a) The vendor and its employees performing their duties  
20 according to the procedures developed by the YES tip line program; or

21 (b) The attorney general, law enforcement agencies, the health  
22 care authority, and community mental health service programs, and  
23 their employees performing their authorized duties. However, this  
24 subsection (1)(b) does not allow the disclosure of information that  
25 would identify the person who submitted the report or information to  
26 the YES tip line;

27 (2) With the permission of the subject of the information or, if  
28 the subject is a minor, with the permission of the minor and their  
29 parent or guardian; or

30 (3) Pursuant to a court order issued under section 6 of this act.

31 NEW SECTION. **Sec. 6.** (1) A person who is charged with a  
32 criminal offense as a result of a YES tip line contact may petition  
33 the court for disclosure of the information from the YES tip line  
34 contact, including any personally identifying information, as  
35 provided in this subsection. The person charged must notify the  
36 prosecuting attorney for the county having jurisdiction and the  
37 attorney general of the petition not less than seven days before the  
38 hearing on the petition, or as otherwise provided by the court. The

1 attorney general and the county prosecutor have the right to appear  
2 in the proceedings.

3 (2) The court may conduct a hearing on the petition. The court  
4 must review the YES tip line information in chambers outside of the  
5 petitioner's presence. If the court determines that the YES tip line  
6 information is relevant to the criminal proceedings and essential to  
7 a fair trial, the court may order the disclosure of the information.  
8 The court may limit the release and use of the information, including  
9 any personally identifying information, in whole or in part.

10 (3) If the prosecuting attorney reasonably believes that the YES  
11 tip line information was falsely provided through the YES tip line,  
12 the prosecuting attorney may petition the court to disclose the  
13 report or information, including any personally identifying  
14 information. The prosecuting attorney must notify the attorney  
15 general not less than seven days before a hearing on the petition, or  
16 as otherwise provided by the court. The attorney general has the  
17 right to appear at the hearing on the prosecuting attorney's  
18 petition. If the court determines a reasonable basis exists to  
19 believe that the information was falsely provided, the court may  
20 order disclosure of the information, including any personally  
21 identifying information. The court may limit the release and use of  
22 the information, including any personally identifying information, in  
23 whole or in part.

24 (4) The attorney general may also appear in any other action to  
25 oppose the release of information obtained under section 2 of this  
26 act through a YES tip line contact, including any personally  
27 identifying information.

28 NEW SECTION. **Sec. 7.** (1) The attorney general, in consultation  
29 with the health care authority and the vendor, shall file a report by  
30 July 31st of each year with the governor, the secretary of the  
31 senate, the chief clerk of the house of representatives, the clerk of  
32 the senate standing committee on ways and means, and the clerk of the  
33 house standing committee on appropriations. The attorney general must  
34 post each annual report on its website. The report must include the  
35 following information:

- 36 (a) The number of YES tip line contacts;  
37 (b) The number of YES tip line contacts referred to local law  
38 enforcement;

- 1 (c) The number of YES tip line contacts referred to mental health  
2 services;
- 3 (d) The nature of the YES tip line contacts and information  
4 received by the YES tip line by category established by the attorney  
5 general;
- 6 (e) The local responses to YES tip line contacts by category  
7 established by the attorney general;
- 8 (f) The source of all funds deposited in the community mental  
9 health safety fund;
- 10 (g) The attorney general's itemized costs and expenditures to  
11 implement the YES tip line program established in this chapter;
- 12 (h) The Washington state patrol's itemized costs and expenditures  
13 to implement the YES tip line program established in this chapter;
- 14 (i) The vendor's contributions, costs, and expenditures under the  
15 YES tip line operations contract; and
- 16 (j) An analysis of the YES tip line program's overall  
17 effectiveness in addressing potential self-harm, potential harm to  
18 others, or criminal acts.
- 19 (2) To the extent authorized by law, any state agency, political  
20 subdivision of the state, or higher education or school entity  
21 possessing data or information needed to produce the annual report to  
22 the governor and legislature must provide the data or information to  
23 the attorney general.

24 NEW SECTION. **Sec. 8.** Sections 1 through 7 of this act  
25 constitute a new chapter in Title 43 RCW.

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