

SENATE BILL REPORT

SB 5477

As Reported by Senate Committee On:
Law & Justice, February 9, 2023
Ways & Means, February 23, 2023

Title: An act relating to implementing the recommendations of the Washington state missing and murdered indigenous women and people task force.

Brief Description: Implementing the recommendations of the Washington state missing and murdered indigenous women and people task force.

Sponsors: Senators Torres, Trudeau, Braun, Muzzall, Billig, Boehnke, Conway, Dhingra, Frame, Hasegawa, Hunt, Kauffman, Keiser, Kuderer, Liias, Lovelett, Nguyen, Pedersen, Randall, Saldaña, Salomon, Shewmake, Van De Wege, Wagoner, Warnick and Wilson, C..

Brief History:

Committee Activity: Law & Justice: 2/07/23, 2/09/23 [DPS-WM].
Ways & Means: 2/20/23, 2/23/23 [DP2S].

Brief Summary of Second Substitute Bill

- Reauthorizes the Missing and Murdered Indigenous Women and People Task Force until June 30, 2025.
- Requires law enforcement authorities investigating a missing person case to enter the case into the national missing and unidentified persons system.

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: That Substitute Senate Bill No. 5477 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Dhingra, Chair; Trudeau, Vice Chair; Padden, Ranking Member; Kuderer, McCune, Pedersen, Salomon, Torres, Valdez, Wagoner and Wilson, L..

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

Staff: Ryan Giannini (786-7285)

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: That Second Substitute Senate Bill No. 5477 be substituted therefor, and the second substitute bill do pass.

Signed by Senators Rolfes, Chair; Robinson, Vice Chair, Operating & Revenue; Mullet, Vice Chair, Capital; Wilson, L., Ranking Member, Operating; Gildon, Assistant Ranking Member, Operating; Schoesler, Ranking Member, Capital; Rivers, Assistant Ranking Member, Capital; Warnick, Assistant Ranking Member, Capital; Billig, Boehnke, Braun, Conway, Dhingra, Hasegawa, Hunt, Keiser, Muzzall, Nguyen, Pedersen, Saldaña, Torres, Van De Wege, Wagoner and Wellman.

Staff: Julie Murray (786-7711)

Background: Missing and Murdered Indigenous Women and People Task Force. In 2021, the Missing and Murdered Indigenous Women and People (MMIWP) Task Force was convened in the Office of the Attorney General (AGO). The Task Force was tasked to review the laws and policies pertaining to missing and murdered indigenous women and people and to develop related recommendations to the Governor and the Legislature. In 2022, the Task Force was established in the AGO, pursuant to the passage of the 2022 supplemental operating budget.

In August 2022, the Task Force released an interim report which contained findings, data, and recommendations.

National Missing and Unidentified Persons System. The National Missing and Unidentified Persons System (NamUs) is a national information clearinghouse and resource center for missing, unidentified, and unclaimed persons cases across the United States. NamUs is funded and administered by the National Institute of Justice.

Summary of Bill (Second Substitute): Missing and Murdered Indigenous Women and People Task Force. *General.* The Task Force is codified under the AGO.

Task Force Membership. The Task Force's members include:

- one member from each of the two largest caucuses of the Senate;
- one member from each of the two largest caucuses of the House of Representatives;
- five members from federally recognized Indians tribes in Washington;
- one member representing the Seattle Indian Health Board;
- one member representing the NATIVE Project;
- one member representing Northwest Portland Area Indian Health Board;
- one member representing the American Indian Health Commission;
- two indigenous women or family members of indigenous women that have experienced violence;

- one member representing the Governor's Office of Indian Affairs;
- the chief of the Washington State Patrol or the chief's representative;
- one member representing the attorney general;
- one member representing the Washington Association of Sheriffs and Police Chiefs;
- one member representing the Washington State Association of Counties;
- one member representing the Washington Association of Prosecuting Attorneys; and
- one representative of the Washington Association of Criminal Defense Lawyers.

Meetings. The legislative members shall convene the initial meeting of the Task Force by the end of 2023. The Task Force must meet at least two times annually, and convene one summit annually.

Task Force Duties. The Task Force must review laws and policies relating to missing and murdered American Indian and Alaska Native people. The Task Force must review and develop recommendations for assessing issues related to violence against American Indian and Alaska Native people, including:

- systemic causes;
- data tracking, collection, and reporting;
- jurisdictional and data-sharing issues;
- prosecutorial trends and practices;
- barriers to providing more state resources in tracking and reducing incidences of gender-based violence; and
- state resources to support programs and services for and identify needs of survivors, families of survivors, and urban Indian service providers.

The Task Force must also identify and make recommendations for increasing state resources for trainings on culturally attuned best practices for tribal, local, and state law enforcement personnel when working with American Indian and Alaska Native communities.

The Task Force must make recommendations and best practices for collaboration and coordination between law enforcement agencies and federal, state, county, local, and tribal social and health services, and strategies and practices to improve communication and transparency with family members in MMIWP cases. In addition, the Task Force must develop recommendations to support efforts by American Indian and Alaska Native people to address the missing and murdered indigenous women and people crisis.

The Task Force must submit a reports to the Governor and the appropriate committees of the Legislature by December 1, 2023 and June 1, 2025.

Attorney General Duties. The AGO will administer and provide staff support to the Task Force, organize the annual summit, and oversee the development of the Task Force reports.

The AGO must coordinate with the Task Force to create and update a missing and murdered

indigenous women and people resource, which must include specific instructions, information, and best practices related to MMIWP cases.

The Task Force and AGO must conduct eight site visits in different locations across the state in collaboration with tribes and native-led organizations.

Reimbursement. Task Force members whose participation in the task force may be hampered by financial hardship may be compensated as provided in RCW 43.03.220. A member shall not receive compensation if the member occupies a full-time position in any federal, Washington State, or Washington local government agency, and receives any compensation for such work that day.

Reauthorization. The Task Force is reauthorized until June 30, 2025.

National Missing and Unidentified Persons System. The sheriff, chief of police, county coroner or county medical examiner, or other law enforcement authority initiating and conducting a missing person investigation must enter the case into NamUs if a reported missing person has not been found within 30 days of the report, or any time the investigating agency suspects that criminal activity caused the victim's disappearance.

EFFECT OF CHANGES MADE BY WAYS & MEANS COMMITTEE (Second Substitute):

- Changes two task force members representing indigenous women or family members of indigenous women that have experienced gender-based violence to have experienced violence.
- Changes status reports to reports and changes due dates for those reports.
- Strikes materials related to \$100 stipends for those experiencing financial hardship and replaces it with reference to RCW 43.03.220 which allows up to \$200 stipends for financial hardship.

EFFECT OF CHANGES MADE BY LAW & JUSTICE COMMITTEE (First Substitute):

- Allows the Task Force to invite and consult with any entity, agency, or individual deemed necessary.
- Requires the Task Force to review current policies and develop recommendations addressing all forms of systemic violence against American Indian and Alaska Native people in Washington State.
- Requires the Task Force to review current policies and develop recommendations to support efforts by American Indian and Alaska Native people to address the murdered and missing indigenous women and people crisis.
- Requires the Task Force and Office of the Attorney General to conduct eight site visits in different locations across the state.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: Yes.

Effective Date: The bill contains an emergency clause and takes effect on June 1, 2023.

Staff Summary of Public Testimony on Original Bill (Law & Justice): *The committee recommended a different version of the bill than what was heard.* PRO: Native American women face murder rates three times higher than non-Native women. In 2022, nearly 400 indigenous people went missing in the state of Washington. Seattle has more missing or murdered women than any U.S. city. Washington has the second most of any state. The work of bringing home missing family members is far from done. Law enforcement must communicate with families at all stages of the process and make sure they are not just checking off a box in their investigations. All of the recommendations from the MMIWP Task Force should be adopted. This is an important step by Washington to address continued violence against Native people. The creation of an MMIWP resource is especially appreciated to help provide guidance to families navigating all involved systems when missing loved ones. This bill currently codifies the Task Force in the AGO. Many of the Task Force's operational duties may not be best suited to be tasked to the AGO. Some duties should be assigned to another agency such as the Washington State Patrol. There are also proposed changes to the bill to include recommendations from the AGO that have been submitted and approved.

Persons Testifying (Law & Justice): PRO: Senator Nikki Torres, Prime Sponsor; Marissa Perez, The Yarrow Project; Taylor Gardner, WA Assn of Sheriffs and Police Chiefs; Tribal Council Esther Moses-Hyipeer, Confederated Tribes and Bands of the Yakama Nation.

Persons Signed In To Testify But Not Testifying (Law & Justice): No one.

Staff Summary of Public Testimony on First Substitute (Ways & Means): *The committee recommended a different version of the bill than what was heard.* PRO: Homicide is the sixth leading cause of death for indigenous women and girls. The Native American community should be supported and given the services necessary to ensure higher levels of homicide and missing persons reports are being addressed. The Attorney General's Office is not a law enforcement agency and are not in a position to make recommendations related to law enforcement practices, data, or reporting to law enforcement. Those duties should be assigned to the Washington State Patrol who have a long history of supporting and conducting missing persons investigations.

Persons Testifying (Ways & Means): PRO: James McMahan, WA Assoc Sheriffs & Police Chiefs; Sargun Handa, ASWWU President.

Persons Signed In To Testify But Not Testifying (Ways & Means): No one.