



WCSAP

Washington Coalition of
Sexual Assault Programs

**64th Legislative Session in Review -
As of May 1, 2013**

Sexual Assault Legislation in the Washington State Legislature

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End Sexual Violence in our Communities

2013 Session in Brief- as of May 1, 2013

The 105 day session of the 64th Legislature of the State of Washington began on January 14, 2013 and ended on April 28, 2013. A special session was called and will begin May 13, 2013 in an effort to reconcile the budget.

Similar to the last few years, addressing the budget deficit has been a primary legislative concern. The state is facing a 700 million dollar budget deficit. This is exacerbated by a lack of money to carry forward currently funded 2013-15 programs and the *McCleary* Washington State Supreme Court decision which directs investment into K-12 education. The House, Senate, and the Governor agree that *McCleary* must be prioritized and they have committed to substantially increasing investment in K-12 education in 2013-15. However, the amount of new investment needed is not agreed upon and it varies from 700 million to 1.2 billion.

The Senate budget addresses this challenge by cutting social service programs, re-directing housing funds, delaying teacher cost of living adjustments, and other fund shifts, one of which has raised constitutionality concerns. The House budget protects most health and human services and adds more money to support to K-12 education. It does so primarily by extending current taxes, such as Business and Occupation taxes on services (lobbyists, attorneys, etc.) and through closing tax loopholes.

The House and Senate are quite far apart on their budget approaches and we anticipate several policy bills from each house highlighting their "must haves" in efforts to reach an agreed upon budget.

Once a budget is agreed upon and passed, it will head to the Governor, who has 20 days to review and sign it in its entirety, veto it in its entirety, or sign it but veto portions.

In the midst of this challenging economic climate, our work to protect sexual assault funding has thus far been successful. The Governor's budget supports programs such as sexual assault services and the House and Senate budgets currently maintain sexual assault funding levels. Sexual assault monies are currently positioned well, but there is tremendous budget work to be done and we have a long way to go. We must remain active and engaged with the legislature about funding.

WCSAP tracked 86 pieces of legislation regarding victims of sexual violence, community services, and public safety. WCSAP's Executive Director and Lobbyist were present at legislative hearings during the 2013 session and provided testimony regarding operating appropriations, sexual assault protection orders, marital rape exemptions, rights of youth to access medical treatment, sex offender management, statute of limitations for child sexual abuse, rights of crime victims, human trafficking, education and prevention, offender management, and victim privacy.

Our legislative agenda focused on issues including maintaining funding for sexual assault services, elimination of marital rape exemptions, modifications to the sexual assault

protection order, statute of limitations, sex offender management, human trafficking, and victim privacy.

A top priority this session is to maintain sexual assault funding. As mentioned above, we've had remarkable success at protecting this funding thus far, but still have the special session to go through. Other significant items such as modifications to the sexual assault order, eliminating marital rape exemptions, enhancing anti-trafficking efforts and prevention, enhancing school resources on sexual violence and work on statute of limitations were successful. We celebrate these legislative successes and are extremely grateful to our members for their advocacy. Your visits with legislators and your calls and emails helped make a difference; voices were strong and they were heard!

There were a handful of bills that WCSAP supported that didn't pass or were not resolved fully. We will continue to work on those issues as relevant in the upcoming year.

This report includes information regarding legislation affecting our agenda that went before the legislature this year. Bills are effective July 28, 2013 unless otherwise noted. Please feel free to contact WCSAP about any of these issues as we are happy to provide additional information to you. Again, we are deeply grateful for your support and we look forward to 2014!

Legislation Supported by WCSAP in 2013

<p>Funding for Sexual Assault Services</p>	<p>Lead efforts to maintain current funding for sexual assault services and support sound legislation that generates additional funding for victim services.</p> <p>The budget is not yet finalized.</p>
<p>Sexual Assault Protection Orders</p>	<p>Lead efforts to refine technical language pertaining to issuance of sexual assault protection orders and support enhancement of notification requirements.</p> <p><u>HB 1307: Concerning Sexual Assault Protection Orders.</u></p> <p>This bill modifies the service of process from requiring personal service to include the options of service by publication and by mail. Conditions are outlined below. The bill also makes clear that no party is to be charged for costs associated with the appointment of a Guardian ad Litem.</p> <p><i>Guardians ad Litem.</i> If the court appoints a Guardian ad Litem for either the petitioner or the respondent, the appointment is at no cost to either party.</p> <p><i>Service of Process.</i> Respondents may be served by publication or mail in certain situations. The court cannot require more than two unsuccessful attempts at</p>

Tier 1

	<p>personal service of an initial petition prior to permitting service by publication or mail, unless the petitioner requests further attempts to personally serve. If service by publication or mail is permitted, the hearing date is set for no more than 24 days from the date of the order. If a temporary ex parte order is in place the court must reissue the temporary order to cover the lengthened time for service. The same rules allowing service by publication or mail for initial petitions also apply to petitions for renewal and modification, and to the service of final orders.</p> <p>The court may order service by publication if:</p> <ul style="list-style-type: none"> • the serving sheriff or municipal peace officer has filed an affidavit stating that personal service could not be made • the petitioner has filed an affidavit stating that the petitioner believes the respondent is hiding from service • the server has mailed a copy of the summons, in a form laid out in statute, notice of the hearing, and a copy of the ex parte order to the respondent's last known address • the court has found that reasonable grounds exist to believe that the respondent is hiding from service, and further attempts to personally serve would be futile. <p>Service by publication must be made in one of the three most widely circulated newspapers in the county where the petition was brought, and the county of the respondent's last known address, once per week for three consecutive weeks.</p> <p>If the circumstances warranting service by publication are present, and the serving party files an affidavit from which the court determines that service by mail is just as likely to give actual notice to the respondent as would service by publication, the court may order service by mail. Any nonparty over 18 who is competent to be a witness may complete service by mail by mailing copies of the order and other process to the respondent at his or her last known address, or other appropriate address as determined by the court. Two copies must be mailed, one by ordinary first-class mail, and the other by a form requiring a signed receipt showing when and to whom it was delivered.</p> <p><i>Motion for Renewal.</i> If a motion for renewal is contested, the court will order a hearing for no more than 14 days from receipt of the motion, or 24 days if the court has allowed service by publication or mail. The court may schedule a hearing by telephone pursuant to local court rule, to reasonably accommodate a disability or, in exceptional circumstances, to protect the petitioner from further assault.</p>
<p>Statute of Limitations for Child Sex Abuse</p>	<p>Support the expansion of the statute of limitations for child sexual abuse in civil cases.</p> <p><u>HB 1352</u>: <i>Addressing the statute of limitations for sexual abuse against a child.</i></p>

	<p>This bill did not expand the civil statute of limitations; however it did extend the criminal statute of limitations to up to 30 years of age for certain sex crimes.</p> <p><i>Criminal Period of Limitations.</i> The following criminal offenses may be prosecuted up to the victim's thirtieth birthday, if the victim was under 18 years old when the offense was committed:</p> <p>Rape in the first or second degree (RCW 9A.44.040 and 9A.40.050); Rape of a Child in the first or second degrees (RCW 9A.44.073 and 9A.44.076); Child Molestation in the first, second, or third degrees (RCW 9A.44.083, 9A.44.086, 9A.44.089); Indecent Liberties when the other person is incapable of consent by reason of being mentally defective, mentally incapacitated, or physically helpless (RCW 9A.44.100(1)(b)); Incest (RCW 9A.64.020); or Sexual Exploitation of a Minor (RCW 9.68A.040).</p>
Parental Rights in Instances of Sexual Violence	<p>Support proposals that uphold and enhance the parental rights of survivors whose children are the result of sexual violence.</p> <p>There was legislative interest in crafting legislation for the 2013 session addressing pregnancy as a result of sexual assault and parental rights. WCSAP engaged with the legislature and other stakeholders on the matter; however, no bills were introduced this session.</p>
Marital Rape	<p>Lead efforts to remove the marital rape exemption language from statute.</p> <p><u>HB 1108</u>: <i>Modifying the definition of rape in the third degree and indecent liberties.</i></p> <p>This bill eliminates marital rape exemptions for third degree rape and indecent liberties from the law. The crimes of rape in the third degree and indecent liberties can now be prosecuted in cases where the perpetrator is married to the victim.</p>

Sex Offender Management	<p>Support sound proposals which comprehensively address the sentencing, release, housing, and overall management of adult and juvenile sex offenders in order to improve the safety of victims and communities.</p> <p>Numerous bills were introduced; none passed that WCSAP supported.</p>
Human Trafficking	<p>Support efforts to improve access to services for survivors of human trafficking.</p> <p><u>HB 1291</u>: <i>Concerning services for victims of the sex trade.</i></p>

Fees imposed for a vehicle impound stemming from an arrest for an offense relating to Prostitution or Commercial Sexual Abuse of a Minor will go to the city or county where the offense occurred, to pay for local efforts to reduce the commercial sale of sex, including both increased enforcement and rehabilitative services for victims.

The bill requires that 2% of the funds raised through the additional fees imposed in connection with vehicle impounds or prosecutions for prostitution related offenses must be remitted to the state, together with an accounting of the funds, for purposes of a statewide report.

Additionally the bill allows courts to create a payment plan for the additional fees imposed in connection to prosecution for sex trafficking and prostitution-related offenses.

Lastly, the bill establishes a statewide coordinating committee on sex trafficking. The Committee is created, with the following duties: (1) gathering and assessing service practices from diverse sources regarding service demand and delivery; (2) analyzing data regarding the implementation of sex trafficking legislation passed in recent years by the Legislature, including reports submitted to the Department under the act, and assessing the efficacy of such legislation in addressing sex trafficking, as well as any obstacles to the impact of legislation on the commercial sex trade; (3) receiving and reviewing reports, recommendations, and statewide protocols as implemented in the pilot sites selected by the Center for Children and Youth Justice; and (4) gathering and reviewing existing data, research, and literature to help shape a plan of action to address human trafficking in Washington to include strategies for Washington to undertake to end sex trafficking and necessary data collection improvements.

The Committee is funded for service until June 30, 2015. The Committee must provide a report and statewide plan to end sex trafficking in Washington to the Legislature and the Governor by December 2014.

[SB 5308](#): *Establishing the commercially sexually exploited children statewide coordinating committee.*

This bill establishes the Commercially Sexually Exploited Children Statewide Coordinating Committee (Committee) to address the issue of children who are commercially sexually exploited, examine the practices of local and regional entities involved in addressing sexually exploited children, and make recommendations on statewide laws and practices.

The Committee is called to order by the Office of the Attorney General, and the prescribed membership includes legislators, representatives from state and local agencies, and relevant criminal justice entities. WCSAP is named.

The duties of the Committee include, but are not limited to, overseeing and reviewing the implementation of the Washington State Model Protocol at pilot sites; receiving reports and data from local and regional

entities regarding the incidence of commercially sexually exploited children in their areas; reviewing recommendations from local and regional entities regarding policy changes that would improve the effectiveness of local response practices; and making recommendations regarding data collection and strategic local investments to address the commercial sexual exploitation of children.

[SB 5488](#): *Establishing an enhanced penalty for the use of an internet advertisement to facilitate the commission of a sex-trafficking crime.*

In addition to other penalties imposed for sexual exploitation of a child, a fee of \$5,000 must be imposed when a person is convicted of commercial sexual abuse of a minor, promoting commercial sexual abuse of a minor, or promoting travel for commercial sexual abuse of a minor and the court finds that an internet advertisement that described or depicted the victim of the crime was instrumental in facilitating the commission of the crime.

All fees collected must be deposited in the prostitution prevention and intervention account.

[SB 5563](#): *Regarding training for school employees in the prevention of sexual abuse.*

To receive initial certification as a teacher in this state after August 31, 1991, an applicant must successfully complete a course on issues of abuse. The content of the course must discuss the identification of physical abuse, emotional abuse, sexual abuse, commercial sexual abuse of a minor, sexual exploitation of a minor, and substance abuse; information on the impact of abuse on the behavior and learning abilities of students; discussion of the responsibilities of a teacher to report abuse or provide assistance to students who are the victims of abuse; and methods for teaching students about abuse of all types and their prevention.

This bill directs WCSAP, in consultation with a number of other organizations and entities to update existing educational materials made available throughout the state to inform parents and other interested community members about how to prevent children from being recruited into sex trafficking, among other issues.

Certificated and classified school employees must receive training regarding their reporting obligations for student physical abuse or sexual misconduct victimization in their orientation training and then every three years thereafter.

[2SSB 5669](#): *Concerning Trafficking.*

Adds purchase or sale of commercial sex acts and sex trafficking by the

	<p>sending of an electronic communication as a class C felony.</p> <p>Consent of the minor is not a defense for the crimes of commercial sexual abuse of a minor, promoting commercial sexual abuse of a minor, promoting travel for the commercial sexual abuse of a minor, permitting commercial sexual abuse of a minor, or trafficking in the first or second degree.</p> <p>The offenses of trafficking in the first or second degree do not require actions with knowledge, or in reckless disregard of the fact that force, fraud, or coercion will be used to cause the person to engage in a sexually explicit act or a commercial sex act if the victim of the offense is a minor. Evidence of a victim's past sexual behavior is not admissible if offered to attack the victim's credibility in trafficking and sexual exploitation of a minor cases.</p> <p>Trafficking with a finding of sexual motivation is defined as a sex offense for the purpose of requiring registration as a sex offender.</p> <p>In a criminal proceeding, the court may order that a child under the age of 14, instead of 10, may testify in a room outside the presence of the defendant and the jury by using closed circuit television. The types of trials in which this testimony may be used is expanded to include trafficking and sexual exploitation of a minor.</p> <p>Trafficking, promoting travel for the commercial sexual abuse of a minor, and permitting commercial sexual abuse of a minor are added as offenses that can lead to a criminal profiteering action.</p> <p>In proceedings for the termination of a parent-child relationship when the court is determining whether reasonable efforts are required to unify the family, it is considered an aggravating circumstance if the parent has been convicted of trafficking or promoting commercial sexual abuse of a minor when the victim of the crime is the child, the child's other parent, a sibling of the child, or another child.</p>
<p>Crime Victims Compensation</p>	<p>Support maintenance of Crime Victims Compensation benefits, including those for sexual assault victims.</p> <p>No bills were introduced to change benefits. However, the Senate budget does make a reduction to funding based on anticipated savings from health reform. We are monitoring this and have expressed concern about forecasted savings.</p>
<p>Victim Privacy</p>	<p>Support proposals that enhance and protect victims' privacy needs and rights.</p> <p>No bills passed that WCSAP actively supported.</p>

<p>DNA Conviction Collection</p>	<p>Support DNA collection from individuals whose original charges prior to plea bargain met criteria for collection.</p> <p>No bills passed addressing DNA collection efforts.</p>
<p>Victims of Crime</p>	<p>Support proposals to improve services to victims of other crimes (such as homicide and assault).</p> <p><u>HB 1383</u>: <i>Modifying stalking and harassment protection order provisions.</i></p> <p>Creation of a Stalking Protection Order. This bill creates a civil protection order available to victims of stalking conduct who do not qualify for a domestic violence order of protection.</p> <p>Creates procedures for entry of a stalking no-contact order during the pendency of criminal prosecutions for stalking and related offenses. Requests that the Administrative Office of the Courts develop a master pattern form for all anti-harassment and stalking protection order petitions.</p> <p>It establishes filing procedures and states that victim advocates may support victims with filing needs and be present at hearings.</p> <p>The bill expands the categories of behavior that qualify as felony stalking and increases the penalties for felony stalking.</p>

A selection of legislation signed into law by the Governor that was also supported by WCSAP:

HB 1397: *Adding a requirement to sexual health education to include elements of and consequences for conviction of sexual offenses where the victim is a minor.*

Requires that public schools that offer sexual health education include information about the legal elements of sex offenses where a minor is a victim, the consequences upon conviction, and other information regarding sex offenses. Tasks WCSAP, in consultation with others, to include information about the legal elements of sex offenses where a minor is a victim, the consequences upon conviction, and sex offender registration in the educational materials prepared.

The bill directs that these educational materials be provided to school districts and students. It also encourages public schools that offer sexual health education to incorporate the educational materials provided by the Coalition.

[HB 5568](#): *Concerning the disclosure of certain information when screening tenants. Effective 1/1/2014*

Prohibits a tenant screening service provider from disclosing: (1) A tenant's, applicant's, or household member's status as a victim of domestic violence, sexual assault, or stalking; or that (2) a tenant, applicant, or household member has previously terminated a rental agreement.

[HB 5565](#): *Concerning background checks for individuals seeking a license under chapter 74.13 RCW or unsupervised access to children.*

DSHS must not deny or delay an application for employment or unsupervised access to children to an individual based solely on a crime or civil infraction revealed in the background process that is not on the Secretary of DSHS's list of negative actions and not directly related to child safety, permanence, and well-being. If DSHS determines that the requisite character, suitability, and competence is not present, DSHS must provide reasons in writing to the person with copies of records or documents related to this decision within ten days of the determination. The bill forms a workgroup to consider options, including a certificate of rehabilitation, to address the impact of founded complaints on the ability of rehabilitated individuals to gain employment or care for children. The workgroup must report its recommendations to the Legislature by December 31, 2013.

[SB 5316](#): *Adopting a model policy to require a third person to be present during interviews.*

The Washington State School Directors' Association (WSSDA) must adopt a model policy to implement statutory provisions regarding the interview of children in child abuse and neglect investigations on school premises. The Association must consult with DSHS and the Washington Association of Sheriffs and Police Chiefs (WASPC) in formulating its policy.

Looking Ahead

WCSAP will continue to monitor public policy issues throughout the remainder of special session and the upcoming year. Additionally, we will continue to encourage your participation and send updates as relevant.

As we gear up for 2014 and begin formulating a strategy, we will be working with our lobbyist and Legislative Committee to be sure we are covering all concerns regarding victims of sexual violence and the programs that serve them.

Building and maintaining relationships with your legislators both in and out of session is critical to our public policy efforts. We strongly encourage our programs to contact their legislators when they are back in their district offices. We recommend that you invite them to your programs, drop by and visit their district offices, share information about your programs, send a card when they win an award or are featured in a story in your local paper, and just keep the relationship current. You are their constituents and they want to meet with you! Please feel free to contact us if you need any assistance in this area. We are happy to help you find your legislators and provide guidance as you strengthen your relationships with them.

Get Connected

Through our Legislative Action Center, we keep you apprised of happenings on the Hill via alerts and updates. This information is integral for alerting our membership to the critical pieces of legislation before the House and Senate. Huge thanks to the over 300 individuals signed up already for your ongoing responsiveness to emails and phone calls to your constituency. Your advocacy makes a tremendous impact!

WCSAP website: <http://www.wcsap.org>

Here you will find current legislation happenings, our yearly legislative agenda, position papers, session in review, and a link to our Capwiz site. Capwiz is our bill tracking site. Visit it to see what bills we are tracking and our position. We constantly update it throughout session.

WCSAP's Legislative Action Center: <http://capwiz.com/wcsap/home/>

This page is linked to our main public policy page. It contains tracked bills and current action alerts.

Washington State Legislature: <http://www1.leg.wa.gov/legislature>

This is the state legislative page where you can find your legislator as well as search laws and bills.

Email us: policy@wcsap.org. Your policy related question will be directly routed to our policy team!

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