

2019 Legislative Session in Review



2019 WCSAP Policy Team



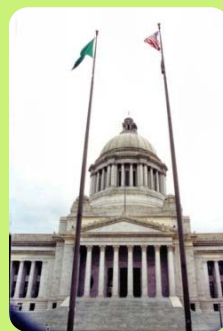
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Session Overview

- 105-day session
- Operational, transportation, and capital budgets
- Approx. 2500 introduced bills- 448 passed
- Bills are effective July 28th, 2019 unless otherwise specified.



2019 Legislation and WCSAP Priorities

160 bills tracked and addressed

Strengthen Responses to Sexual Violence		Advance Victim Protections	
Funding for Sexual Assault Services	Lead efforts to maintain funding for sexual assault services.	Statute of Limitations	Support efforts to increase access to justice through the expansion/elimination of statute of limitations on felony sex crimes. Remove language in SOL statutes that require a victim to file a report with law enforcement.
Sexual Assault Kits	Support best practice proposals that improve the sexual assault kit system and responses to victims of sexual assault. Identify retention standards and timelines for storage and destruction of unreported kits.	Sexual Assault Protection Orders	Lead policy efforts to remove barriers for victims in response to the Roake v. Delman decision.
Sexual Harassment	Introduce and support best practices that protect and advance response and prevention of sexual harassment.	Rape 3	Support policy that acknowledges the neurobiology of trauma by striking current language that places the burden on victims to show through their actions or words lack of consent.
Campus Sexual Violence	Support best practice proposals that preserve and advance title IX protections.	Rideshare Safety	Support proposals that address and improve safety measures for rideshare customers.
Sexual Assault Nurse Examiner (SANE) Access	Support efforts to enhance access to quality SANE trainings, programing, and protocol response development.	Sex Offender Management	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.
Human Trafficking	Support efforts to improve access to services for survivors of human trafficking.	Crime Victims Compensation	Support maintenance of Crime Victims Compensation benefits, including those for sexual assault victims.
		Victim Privacy	Support proposals that enhance and protect victims' privacy needs and rights.
		Victims of Crime	Support proposals to improve services to victims of other crimes (such as homicide and assault).

2019 Legislative Outcomes

- Productive and historic session
- All priority WCSAP bills passed
- Stopped harmful or problematic legislation
- Laid foundations for future policy work
- WCSAP was designated to lead a juvenile focused workgroup.

Supporting SA Survivors- HB 1166



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“It’s really the state standing up and apologizing,
“We’re sorry we let you down, but by moving this bill
and taking the actions we’re taking, we’re going to
make sure it never happens again.”

– Rep. Tina Orwall

Supporting SA Survivors-HB 1166 Overview

- Sponsored by Representative Tina Orwall
- Provides over \$10 million for rape kit needs
- Funds testing approx. 10,000 previously unsubmitted kits (collected July 2015 or before)
- Sets a future 45 day testing timeline
- Establishes a moratorium and temporary storage process for unreported kits
- Prioritizes victim notification
- Expands the SOL on unknown DNA to 2 years
- Enumerates sexual assault victim rights
- Adds a SANE and moves the SAFE Taskforce to the AG’s office

HB 1166- Funding

- \$10.3 million investment into infrastructure.
- Renovates the Vancouver Crime Lab into a high throughput lab and increases lab staffing.
- Speeds up kit testing
- Clears unprocessed kits by Dec 21, 2021
- Develops victim notification standards
- Accounts for moratorium costs

HB 1166- Unreported Kit Moratorium

- No previous guidance = a lack in statewide consistency.
- Effective April 23, 2019- Hospitals and LE must hold unreported kits collected prior to April 23, 2019 until the moratorium expires in June 2020.
- Hospitals and LE must forward unreported kits collected after April 23, 2019 to the WSP Crime Lab for holding.
- 2020 legislation is anticipated to address unreported kit storage and retention.

HB 1166- Notification

- **Prioritizes trauma-informed victim notification practices.**
- **Directs the Criminal Justice Training Commission to develop training.**
- **We encourage you to participate in local conversations.**

HB 1166- Sexual Assault Victim Rights

- **Receive a forensic medical sexual assault examination at no cost.**
- **Consult with a sexual assault survivor's advocate during any medical evidentiary examination and during any interview by law enforcement officers, prosecuting attorneys, or defense attorneys, unless an advocate cannot be summoned in a timely manner, and regardless of whether a survivor has waived the right in a previous examination or interview.**
- **Be informed, upon the request of a survivor, of when the forensic analysis of his or her sexual assault kit and other related physical evidence will be or was completed, the results of the forensic analysis, and whether the analysis yielded a DNA profile and match, provided that the disclosure is made at an appropriate time so as not to impede or compromise an ongoing investigation.**

HB 1166- Sexual Assault Victim Rights

- Receive notice prior to the destruction or disposal of their sexual assault kit.
- Receive a copy of the police report related to the investigation without charge.
- Review one's own statement before law enforcement refers a case to the prosecuting attorney.
- A sexual assault survivor retains all of these rights regardless of whether the survivor agrees to participate in the criminal justice system and regardless of whether the survivor agrees to receive a forensic examination to collect evidence.

HB 1166- Sexual Assault Victim Rights

- If a survivor is denied any right, they may seek an order directing compliance by filing a petition in superior court.
- The court shall expedite consideration of a filed petition.

HB 1166 Timeline Summary

Effective April 23rd, 2019

Other key dates:

October 2019- Kit forwarding deadline

June 30, 2020- Moratorium expires

Dec 1, 2021- Testing of 10K kits (collected before July 24, 2015) completed.

May 1, 2022- Reported kit 45 day testing timeline begins

Sexual Assault Protection Order Modification



Strengthening Protections for Sexual Assault Survivors –HB 1149

- Sponsored by Representative Laurie Jinkins
- Responded to the Roake vs. Delman Supreme Court
- Fixed WA SAPO law by clarifying that SA survivors do not have to demonstrate extra fear in order to obtain an sexual assault order of protection.

Statute of Limitations- SB 5649



Statute of Limitations and Modifying the Definition of Rape 3

- 4 bills were introduced.
- SB 5649 (Sen. Dhingra) which combined SOL and Rape 3 passed.
- The law is not retroactive.
- Removed SOL for felony sex crimes against children (16 and younger at age of assault) and extends the SOL for persons over 16 to 20 years for Rape 1, 2, and indecent liberties.
- Removed “through action or words” as part of the rape 3 definition.
- Rape 3 maintained a 10 year SOL

SANE Access- HB 1016



SANE Access-HB 1016

- Sponsored by Representative Michelle Caldier
- Requires a hospital that does not offer sexual assault evidence kit collection or have an appropriate provider available to notify victims within 2 hours of presenting at the ER.
- Mandates hospitals to coordinate victim support with local community sexual assault programs.
- Provides victims a complaint mechanism to the Department of Health if they were not notified within 2-hours.

Sexual Harassment

- Code of Conduct for the Legislature- HRC 4401
- Ethics training mandatory for Legislature
- Isolated worker protections- HB 5258 (Senator Keiser).
- HB 1692 Records protections- names of complainants, other accusers, and witnesses in an investigation of employment discrimination are exempt from public disclosure requirements after the investigation is complete unless the agency has notified the complainant of the investigation's outcome and the person named in the record has consented to disclose their name.

Child Abuse MDT- SB 5461

- Sponsored by Senator Cleveland
- Clarifies guidelines for information sharing between multi-disciplinary team members and specifies that no party should breach or feel compelled to breach confidentiality or professional/legal obligations when participating on an MDT.
- It also adds commercial sexual abuse of minors to crimes that should be considered in the child MDT model.

Concerning Juvenile Offenses that involve Depictions of Minors- HB 1742

- Sponsored by Rep. Nicole Frame.
- Created the responsible teen communication act. Excludes minors from crimes involving dealing in depictions of a minor engaged in sexually explicit conduct and creates a new class of crimes that apply exclusively to minors.
- Limits the criminal culpability of a minor dealing in depictions of another minor thirteen years of age or older engaged in sexually explicit conduct to a gross misdemeanor.
- Exempts a minor from criminal culpability for dealing in depictions of themselves engaged in sexually explicit conduct unless the minor sells the depiction.
- Requires a prosecutor to divert certain offenses involving dealing in depictions of a minor if it is a juvenile's first violation of such an offense.
- Establishes a workgroup to make recommendations addressing potential harms caused by the exchange of intimate images by minors.

Immunity from Prostitution Charges- HB 1382



Sponsored by Representative Pellicciotti

The new law provides immunity from prosecution for a prostitution offense where the individual was a victim of crime or was seeking emergency assistance/medical support.

Hate Crimes- HB 1732

- Sponsored by Representative Valdez
- Expressly includes "gender identity or expression" as a protected category under the Hate Crime Offense statute, rather than including this category by cross-reference.
- Adds circumstances to the list of acts that allow the trier of fact in a criminal prosecution for a Hate Crime Offense to infer that a threat was intended.
- Increases the maximum punitive damages available in a civil action brought by a victim of a Hate Crime Offense from \$10,000 to \$100,000.
- It changed the crime "malicious harassment" to "hate crime." It also revised the term "handicap" to "disability".
- Requires the Office of the Attorney General to coordinate and convene a multidisciplinary advisory work group on addressing hate crimes in Washington State.

Bills of Note

- Mandatory sex education SB 5395/HB 1407
- Campus sexual violence HB 1998

Both did **NOT** pass



Stay Tuned

- Alerts <http://www.wcsap.org/legislative-alerts>
- A 2019 session report will be available soon!



Thank You

- **Your advocacy makes a huge difference!**



QUESTIONS?