
HOUSE BILL 1571

State of Washington

67th Legislature

2021 Regular Session

By Representatives Mosbrucker, Dye, Boehnke, Ybarra, Jacobsen, Dent, Walen, Graham, Robertson, Maycumber, Barkis, Caldier, Goodman, Berry, Chambers, Wylie, Corry, Griffey, Walsh, Eslick, Chase, Sutherland, and Ormsby

Read first time 04/05/21. Referred to Committee on Public Safety.

1 AN ACT Relating to protections and services for indigenous
2 persons who are missing, murdered, or survivors of human trafficking;
3 amending RCW 36.24.155, 13.60.010, and 68.50.320; adding a new
4 section to chapter 68.50 RCW; adding a new section to chapter 43.101
5 RCW; creating new sections; and providing expiration dates.

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

7 NEW SECTION. **Sec. 1.** A new section is added to chapter 68.50
8 RCW to read as follows:

9 (1) A county coroner having jurisdiction over human remains
10 pursuant to RCW 68.50.010 shall, upon knowledge that the remains are
11 of an indigenous person, cooperate with law enforcement to attempt to
12 identify and immediately contact family members and any affected
13 tribes, tribal organizations, and communities prior to removal or
14 disturbance of the remains, except as deemed necessary by the county
15 coroner and law enforcement to preserve evidence for any ongoing
16 criminal investigation. Efforts to contact family members and
17 affected tribes, tribal organizations, and communities must include
18 an attempt to facilitate contact through the regional liaison for
19 missing and murdered indigenous persons pursuant to RCW 43.43.874
20 within 10 days of the county coroner having jurisdiction over the
21 remains.

1 (2) If contact is successfully made, the county coroner shall
2 afford an opportunity for a family member or a representative from
3 any affected tribes, tribal organizations, or communities to visit
4 the remains for the purpose of conducting any spiritual practices or
5 ceremonies to honor or recognize the indigenous person's passing. A
6 family member or representative's activities may not interfere with
7 or jeopardize the integrity of any ongoing criminal investigation.
8 The county coroner and the lead investigator from the law enforcement
9 agency of jurisdiction must provide the family member or
10 representative with a list containing any conduct the family member
11 or representative is prohibited from doing when interacting with the
12 remains, including an explanation of why the conduct is prohibited.
13 The family member or representative may not conduct any practices or
14 ceremonies until the county coroner and the lead investigator provide
15 their authorization.

16 (3) For the purposes of this section, "affected tribes" has the
17 same meaning as in RCW 68.50.645.

18 (4) Nothing in this section may be construed to contradict the
19 sovereignty or rights of any federally recognized Indian tribe whose
20 traditional lands and territories included parts of Washington.

21 NEW SECTION. **Sec. 2.** A new section is added to chapter 43.101
22 RCW to read as follows:

23 The criminal justice training commission shall collaborate with
24 the two liaisons for missing and murdered indigenous persons pursuant
25 to RCW 43.43.874 to provide training to law enforcement officers and
26 county coroners in tribal sovereignty, customs, culture, traditions,
27 and spirituality, to facilitate compliance with section 1 of this
28 act.

29 **Sec. 3.** RCW 36.24.155 and 2011 c 16 s 1 are each amended to read
30 as follows:

31 (1) Whenever anyone shall die within a county without making
32 prior plans for the disposition of his or her body and there is no
33 other person willing to provide for the disposition of the body, the
34 county coroner shall cause such body to be entrusted to a funeral
35 home in the county where the body is found. Except in counties where
36 the county coroner or medical examiner has established a preferred
37 funeral home using a qualified bidding process, disposition shall be
38 on a rotation basis, which shall treat equally all funeral homes or

1 mortuaries desiring to participate, such rotation to be established
2 by the coroner after consultation with representatives of the funeral
3 homes or mortuaries in the county or counties involved.

4 (2) (a) The county coroner, upon knowledge that a body is of an
5 indigenous person, shall make reasonable efforts to identify and
6 contact family members prior to entrusting the body to a funeral
7 home, including an attempt to facilitate contact through the regional
8 liaison for missing and murdered indigenous persons pursuant to RCW
9 43.43.874 within 10 days of the county coroner having jurisdiction
10 over the remains.

11 (b) Upon the written request of a family member responsible for
12 the disposition of the body of an indigenous person, the county
13 coroner shall provide a written estimate of the time frame for
14 entrusting the body to the family member or the family member's
15 chosen funeral home, unless doing so would jeopardize an ongoing
16 criminal investigation.

17 **Sec. 4.** RCW 13.60.010 and 2017 3rd sp.s. c 6 s 315 are each
18 amended to read as follows:

19 (1) The Washington state patrol shall establish a missing
20 children and endangered person clearinghouse which shall include the
21 maintenance and operation of a toll-free telephone hotline. The
22 clearinghouse shall distribute information to local law enforcement
23 agencies, school districts, the department of children, youth, and
24 families, and the general public regarding missing children and
25 endangered persons. The information shall include pictures,
26 bulletins, training sessions, reports, and biographical materials
27 that will assist in local law enforcement efforts to locate missing
28 children and endangered persons. The state patrol shall also maintain
29 a regularly updated computerized link with national and other
30 statewide missing person systems or clearinghouses, and within
31 existing resources, shall develop and implement a plan, commonly
32 known as an "amber alert plan" or an "endangered missing person
33 advisory plan" which includes ((a)) "silver alert" ((~~designation~~))
34 and "red thunder alert" designations for voluntary cooperation
35 between local, state, tribal, and other law enforcement agencies,
36 state government agencies, radio and television stations, cable and
37 satellite systems, and social media pages and sites to enhance the
38 public's ability to assist in recovering abducted children, missing

1 indigenous people, and missing endangered persons consistent with the
2 state endangered missing person advisory plan.

3 (2) For the purposes of this chapter:

4 (a) "Child" or "children" means an individual under eighteen
5 years of age.

6 (b) "Missing endangered person" means a person who is believed to
7 be in danger because of age, health, mental or physical disability,
8 in combination with environmental or weather conditions, or is
9 believed to be unable to return to safety without assistance and who
10 is:

11 (i) A person with a developmental disability as defined in RCW
12 71A.10.020(5);

13 (ii) A vulnerable adult as defined in RCW 74.34.020; or

14 (iii) A person who has been diagnosed as having Alzheimer's
15 disease or other age-related dementia.

16 (c) "Silver alert" means the designated title of a missing
17 endangered person advisory that will be used on a variable message
18 sign and text of the highway advisory radio message when used as part
19 of an activated advisory to assist in the recovery of a missing
20 endangered person age sixty or older.

21 (d) "Red thunder alert" means the designated title of a missing
22 indigenous person advisory that will be used on a variable message
23 sign and text of the highway advisory radio message when used as part
24 of an activated advisory to assist in the recovery of a missing
25 indigenous person.

26 NEW SECTION. Sec. 5. (1) Subject to the availability of amounts
27 appropriated for this specific purpose, the department of commerce's
28 office of crime victims advocacy shall award grant funding to
29 establish a pilot project providing wraparound services to indigenous
30 persons who are survivors of trafficking.

31 (2) The department shall establish a competitive grant program to
32 award funding for the pilot project by September 1, 2022.

33 (3) Public agencies, nonprofit community groups, and nonprofit
34 treatment providers, including organizations which provide services
35 such as shelter, counseling, and case management, are eligible to
36 compete for grant funding.

37 (4) The grant recipient shall use the grant funds to develop or
38 maintain a center capable of providing wraparound services to at

1 least 50 indigenous persons who are survivors of trafficking,
2 including:

- 3 (a) Short-term and long-term shelter;
- 4 (b) Food;
- 5 (c) Nonemergency health care;
- 6 (d) Mental health counseling and treatment;
- 7 (e) Substance abuse prevention, assessment, and treatment;
- 8 (f) Case management and care coordination;
- 9 (g) Education and special education services;
- 10 (h) Vocational training;
- 11 (i) Legal services, protection, and advocacy; and
- 12 (j) Transportation.

13 (5) The grant recipient shall provide a report to the department
14 on the results of the pilot project by October 1, 2023. The
15 department shall provide a report on the pilot project to the
16 governor and appropriate committees of the legislature by December 1,
17 2023.

18 (6) This section expires January 1, 2024.

19 NEW SECTION. **Sec. 6.** (1) Subject to the availability of amounts
20 appropriated for this specific purpose, the department of commerce's
21 office of crime victims advocacy shall award grant funding to
22 increase the visibility and accessibility of services and resources
23 for indigenous persons who are survivors of trafficking.

24 (2) The office of crime victims advocacy shall establish a
25 competitive grant program to award funding by September 1, 2022.

26 (3) Local agencies, nonprofit community groups, and nonprofit
27 treatment providers currently engaged in providing services or
28 resources to survivors of human trafficking are eligible to compete
29 for grant funding.

30 (4) The department shall award 10 grants, five to eligible
31 applicants in cities west of the crest of the Cascade mountains and
32 five to eligible applicants in cities east of the crest of the
33 Cascade mountains.

34 (5) Grant recipients shall collaborate with the two liaisons for
35 missing and murdered indigenous persons pursuant to RCW 43.43.874 to
36 develop and implement a campaign to increase the visibility and
37 accessibility of services and resources for indigenous persons who
38 are survivors of human trafficking, including:

1 (a) Development of methods to help convey information discreetly
2 and effectively, such as through the use of easily recognizable logos
3 and symbols;

4 (b) Increased signage for relevant antitrafficking hotlines in
5 frequently visited areas, such as truck stops, gas stations, and
6 hotels; and

7 (c) Increased online promotion.

8 (6) Grant recipients shall provide a report to the department on
9 the results of their campaigns by October 1, 2023. The department
10 shall provide a report to the governor and appropriate committees of
11 the legislature by December 1, 2023.

12 (7) This section expires January 1, 2024.

13 **Sec. 7.** RCW 68.50.320 and 2020 c 45 s 2 are each amended to read
14 as follows:

15 When a person reported missing has not been found within thirty
16 days of the report, or at any time the investigating agency suspects
17 criminal activity to be the basis of the victim being missing, the
18 sheriff, chief of police, county coroner or county medical examiner,
19 or other law enforcement authority initiating and conducting the
20 investigation for the missing person shall: (1) File a missing
21 person's report with the Washington state patrol missing and
22 unidentified persons unit; (2) initiate the collection of DNA samples
23 from the known missing person and their family members for nuclear
24 and mitochondrial DNA testing along with the necessary consent forms;
25 (3) ask the missing person's family or next of kin to give written
26 consent to contact the dentist or dentists of the missing person and
27 request the person's dental records; and (4) enter the case into the
28 national crime information center system through the Washington state
29 patrol electronic database. Upon knowledge that the missing person is
30 an indigenous person, the sheriff, chief of police, county coroner or
31 county medical examiner, or other law enforcement authority
32 initiating and conducting the investigation for the missing person
33 shall, in cooperation with the regional liaison for missing and
34 murdered indigenous persons pursuant to RCW 43.43.874, search the
35 jail booking and reporting system for the missing person and register
36 to be notified if the missing person is later booked into jail.

37 The missing person's dentist or dentists shall provide diagnostic
38 quality copies of the missing person's dental records or original
39 dental records to the sheriff, chief of police, county coroner or

1 county medical examiner, or other law enforcement authority, when
2 presented with the written consent from the missing person's family
3 or next of kin or with a statement from the sheriff, chief of police,
4 county coroner or county medical examiner, or other law enforcement
5 authority that the missing person's family or next of kin could not
6 be located in the exercise of due diligence or that the missing
7 person's family or next of kin refuse to consent to the release of
8 the missing person's dental records and there is reason to believe
9 that the missing person's family or next of kin may have been
10 involved in the missing person's disappearance.

11 As soon as possible after collecting the DNA samples, the
12 sheriff, chief of police, or other law enforcement authority shall
13 submit the DNA samples to the appropriate laboratory. Dental records
14 shall be submitted as soon as possible to the Washington state patrol
15 missing and unidentified persons unit.

16 The descriptive information from missing person's reports and
17 dental data submitted to the Washington state patrol missing and
18 unidentified persons unit shall be recorded and maintained by the
19 Washington state patrol missing and unidentified persons unit in the
20 applicable dedicated missing person's databases.

21 When a person reported missing has been found, the sheriff, chief
22 of police, coroner or medical examiner, or other law enforcement
23 authority shall report such information to the Washington state
24 patrol.

25 The dental identification system shall maintain a file of
26 information regarding persons reported to it as missing. The file
27 shall contain the information referred to in this section and such
28 other information as the Washington state patrol finds relevant to
29 assist in the location of a missing person.

30 The files of the dental identification system shall, upon
31 request, be made available to law enforcement agencies attempting to
32 locate missing persons.

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