AN ACT Relating to transferring programs to the office of the attorney general; amending RCW 43.280.011, 43.280.020, 43.280.050, 43.280.060, 43.280.070, 43.280.080, 43.280.090, 70.125.040, 70.125.050, 70.125.055, 70.125.080, 74.14B.060, 43.63A.720, 43.63A.735, 43.63A.740, 9.68A.105, 9A.88.120, 9A.88.140, 43.330.300, 62A.9A-525, 43.270.020, 43.270.070, 43.270.080, 7.68.015, 7.68.020, 7.68.030, 7.68.031, 7.68.032, 7.68.033, 7.68.035, 7.68.045, 7.68.060, 7.68.070, 7.68.071, 7.68.072, 7.68.073, 7.68.075, 7.68.076, 7.68.077, 7.68.085, 7.68.085, 7.68.093, 7.68.094, 7.68.095, 7.68.096, 7.68.101, 7.68.111, 7.68.120, 7.68.125, 7.68.126, 7.68.130, 7.68.140, 7.68.145, 7.68.150, 7.68.155, 7.68.160, 7.68.165, 7.68.200, 7.68.210, 7.68.220, 7.68.230, 7.68.240, 7.68.270, 40.24.030, 40.24.040, 40.24.050, 40.24.070, 40.24.080, 36.28A.230, 9A.44.135, 36.28A.030, 36.28A.110, 36.28A.120, 36.28A.040, 36.28A.050, 4.24.550, 40.14.070, 36.28A.130, 46.66.010, 46.66.020, 36.27.100, 70.123.020, 70.123.030, 70.123.040, 70.123.050, 70.123.080, 70.123.090, 70.123.100, 70.123.110, 70.123.130, and 70.123.140; reenacting and amending RCW 70.125.030, 7.68.050, and 7.68.080; adding new sections to chapter 43.10 RCW; creating new sections; recodifying RCW 43.280.010, 43.280.011, 43.280.020, 43.280.030, 43.280.040, 43.280.050, 43.280.060, 43.280.070, 43.280.080, 43.280.090, 43.280.900, 43.280.901, 43.280.902, 43.63A.720, 43.63A.725, 43.63A.730, 43.63A.735,
BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

PART 1
PROGRAMS TRANSFERRED FROM THE DEPARTMENT OF COMMERCE

Sexual Assault Grants

Sec. 101. RCW 43.280.011 and 1996 c 123 s 1 are each amended to read as follows:

The Washington state sexual assault services advisory committee issued a report to the department of community, trade, and economic development and the department of social and health services in June of 1995. The committee made several recommendations to improve the delivery of services to victims of sexual abuse and assault: (1) Consolidate the administration and funding of sexual assault and abuse services in one agency instead of splitting those functions between the department of social and health services and the office of the attorney general; (2) adopt a funding allocation plan to pool all funds for sexual assault services and to distribute them across the state to ensure the delivery of core and specialized services; (3) establish service, data collection, and management standards and outcome measurements for recipients of grants; and (4) create a data collection system to gather pertinent data concerning the delivery of sexual assault services to victims.

The legislature approves the recommendations of the advisory committee and consolidates the functions and funding for sexual assault services in the office of the attorney general to implement the advisory committee's recommendations.

The legislature does not intend to effect a reduction in service levels within available funding by transferring department of social and health services' powers and duties to the office of the attorney general.

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general. At a minimum, the (department of community, trade, and economic development) office of the attorney general shall distribute the same percentage of the services it provides victims of sexual assault and abuse, pursuant to RCW 43.280.020 (as recodified by this act), 70.125.080, and 74.14B.060, to children as were distributed to children through these programs in fiscal year 1996.

Sec. 102. RCW 43.280.020 and 1996 c 123 s 3 are each amended to read as follows:

There is established in the (department of community, trade, and economic development) office of the attorney general a grant program to enhance the funding for treating the victims of sex offenders. Activities that can be funded through this grant program are limited to those that:

1. Provide effective treatment to victims of sex offenders;
2. Increase access to and availability of treatment for victims of sex offenders, particularly if from underserved populations; and
3. Create or build on efforts by existing community programs, coordinate those efforts, or develop cooperative efforts or other initiatives to make the most effective use of resources to provide treatment services to these victims.

Funding shall be given to those applicants that emphasize providing stable, victim-focused sexual abuse services and possess the qualifications to provide core services, as defined in RCW 70.125.030. Funds for specialized services, as defined in RCW 70.125.030, shall be disbursed through the request for proposal or request for qualifications process.

Sec. 103. RCW 43.280.050 and 1996 c 123 s 4 are each amended to read as follows:

At a minimum, grant applications must include the following:

1. The geographic area from which the victims to be served are expected to come;
2. A description of the extent and effect of the needs of these victims within the relevant geographic area;
3. An explanation of how the funds will be used, their relationship to existing services available within the community, and the need that they will fulfill;
(4) An explanation of what organizations were involved in the
development of the proposal;

(5) Documentation of capacity to provide core and specialized
services, as defined in RCW 70.125.030, provided by the applicant, how
the applicant intends to comply with service, data collection, and
management standards established by the ((department)) attorney
general; and

(6) An evaluation methodology.

Sec. 104. RCW 43.280.060 and 1996 c 123 s 5 are each amended to
read as follows:

(1) Subject to funds appropriated by the legislature, the
((department of community, trade, and economic development)) attorney
general shall make awards under the grant program established by RCW
43.280.020 (as recodified by this act).

(2) To aid the ((department of community, trade, and economic
development)) attorney general in making its funding determinations,
the ((department)) attorney general shall form a peer review committee
comprised of individuals who are knowledgeable or experienced in the
management or delivery of treatment services to victims of sex
offenders. The peer review committee shall advise the ((department))
attorney general on the extent to which each eligible applicant meets
the treatment and management standards, as developed by the
((department)) attorney general. The ((department)) attorney general
shall consider this advice in making awards.

(3) Activities funded under this section may be considered for
funding in future years, but shall be considered under the same terms
and criteria as new activities. Funding under this chapter shall not
constitute an obligation by the state of Washington to provide ongoing
funding.

Sec. 105. RCW 43.280.070 and 1995 c 399 s 115 are each amended to
read as follows:

The ((department of community, trade, and economic development))
attorney general may receive such gifts, grants, and endowments from
public or private sources as may be made from time to time, in trust or
otherwise, for the use and benefit of the purposes of ((this chapter))
the sexual assault grant program and expend the same or any income
therefrom according to the terms of the gifts, grants, or endowments.

Sec. 106. RCW 43.280.080 and 1995 c 241 s 1 are each amended to
read as follows:
The office of crime victims advocacy is established in the
((department of community, trade, and economic development)) office of
the attorney general. The office of crime victims advocacy shall
assist communities in planning and implementing services for crime
victims, advocate on behalf of crime victims in obtaining needed
services and resources, and advise local and state governments on
practices, policies, and priorities that impact crime victims. In
addition, the office of crime victims advocacy shall administer grant
programs for sexual assault treatment and prevention services, as
authorized in this chapter.

Sec. 107. RCW 43.280.090 and 1995 c 269 s 2102 are each amended to
read as follows:
The ((director of the department of community, trade, and economic
development)) attorney general may establish ad hoc advisory
committees, as necessary, to obtain advice and guidance regarding the
office of crime victims advocacy program.

Sec. 108. RCW 70.125.030 and 2009 c 565 s 50 are each reenacted
and amended to read as follows:
As used in this chapter and unless the context indicates otherwise:
(1) "Community sexual assault program" means a community-based
social service agency that is qualified to provide and provides core
services to victims of sexual assault.
(2) "Core services" means treatment services for victims of sexual
assault including information and referral, crisis intervention,
medical advocacy, legal advocacy, support, system coordination, and
prevention for potential victims of sexual assault.
(3) (("Department" means the department of commerce.
(4))) "Law enforcement agencies" means police and sheriff's
departments of this state.
((4))) (4) "Personal representative" means a friend, relative,
attorney, or employee or volunteer from a community sexual assault
program or specialized treatment service provider.

((6)) (5) "Rape crisis center" means a community-based social
service agency which provides services to victims of sexual assault.

((7)) (6) "Sexual assault" means one or more of the following:
(a) Rape or rape of a child;
(b) Assault with intent to commit rape or rape of a child;
(c) Incest or indecent liberties;
(d) Child molestation;
(e) Sexual misconduct with a minor;
(f) Custodial sexual misconduct;
(g) Crimes with a sexual motivation; or
(h) An attempt to commit any of the aforementioned offenses.

((8)) (7) "Specialized services" means treatment services for
victims of sexual assault including support groups, therapy, and
specialized sexual assault medical examination.

((9)) (8) "Victim" means any person who suffers physical and/or
mental anguish as a proximate result of a sexual assault.

Sec. 109. RCW 70.125.040 and 1985 c 34 s 1 are each amended to
read as follows:
The ((department)) attorney general shall establish a centralized
office within the ((department)) office of the attorney general to
coordinate activities of programs relating to sexual assault and to
facilitate coordination and dissemination of information to personnel
in fields relating to sexual assault.

The ((department)) attorney general shall develop, with the
cooperation of the criminal justice training commission, the medical
profession, and existing rape crisis centers, a biennial statewide plan
to aid organizations which provide services to victims of sexual
assault.

Sec. 110. RCW 70.125.050 and 1979 ex.s. c 219 s 5 are each amended
to read as follows:
The statewide program established under RCW 70.125.040 shall
include but not be limited to provision of the following services:
PROVIDED, That the ((department)) attorney general shall utilize
existing rape crisis centers and contract, where appropriate, with these centers to provide the services identified in this section:

1. Assistance to the criminal justice training commission in developing and offering training and education programs for criminal justice personnel on the scope and nature of the sexual assault problem;
2. Assistance to health care personnel in training for the sensitive handling and correct legal procedures of sexual assault cases;
3. Development of public education programs to increase public awareness concerning sexual assault in coordination with the activities of the attorney general's crime prevention efforts; and
4. Technical assistance and advice to rape crisis centers, including the organization of existing community resources, volunteer training, identification of potential funding sources, evaluation, and education. Assistance shall be given for the development of additional programs in areas of the state where such services do not exist.

Sec. 111. RCW 70.125.055 and 1985 c 34 s 2 are each amended to read as follows:

The attorney general may distribute financial assistance to rape crisis centers to supplement crisis, advocacy, and counseling services provided directly to victims.

Sec. 112. RCW 70.125.080 and 1996 c 123 s 7 are each amended to read as follows:

(1) Community sexual assault programs that are eligible for funding from the attorney general under this chapter may apply for grants for the purpose of hiring, training, and supervising victim advocates to provide core services to assist victims and their families through the investigation, prosecution, and treatment process that resulted from a sexual assault. The attorney general shall seek, receive, and make use of any funds which may be available from federal or other sources to augment state funds appropriated for the purpose of this section, and shall make every effort to qualify for federal funding.
Sec. 113. RCW 74.14B.060 and 1996 c 123 s 8 are each amended to read as follows:

(1) Treatment services for children who have been sexually assaulted must be designed and delivered in a manner that accommodates their unique developmental needs and also considers the impact of family dynamics on treatment issues. In addition, the complexity of the civil and criminal justice systems requires that children who are involved receive appropriate consideration and attention that recognizes their unique vulnerability in a system designed primarily for adults.

(2) The attorney general shall provide, subject to available funds, comprehensive sexual assault services to sexually abused children and their families. The attorney general shall provide treatment services by qualified, registered, certified, or licensed professionals on a one-to-one or group basis as may be deemed appropriate.

(3) Funds appropriated under this section shall be provided solely for contracts or direct purchase of specific treatment services from community organizations and private service providers for child victims of sexual assault and sexual abuse. Funds shall be disbursed through the request for proposal or request for qualifications process.

(4) As part of the request for proposal or request for qualifications process the attorney general shall ensure that there be no duplication of services with existing programs including the crime victims' compensation program as provided in chapter 7.68 RCW. The attorney general shall also ensure that victims exhaust private insurance benefits available to the child victim before providing services to the child victim under this section.

NEW SECTION. Sec. 114. RCW 43.280.081 (Office of crime victims advocacy--Reports on penalty assessments collection and use of funds for assistance to victims and witnesses of crime) and 1996 c 122 s 3 are each repealed.

NEW SECTION. Sec. 115. RCW 43.280.010, 43.280.011, 43.280.020,
Prostitution Prevention and Intervention

Sec. 116. RCW 43.63A.720 and 1995 c 353 s 7 are each amended to read as follows:

There is established in the office of the attorney general a grant program to enhance funding for prostitution prevention and intervention services. Activities that can be funded through this grant program shall provide effective prostitution prevention and intervention services, such as counseling, parenting, housing relief, education, and vocational training, that:

(1) Comprehensively address the problems of persons who are prostitutes; and

(2) Enhance the ability of persons to leave or avoid prostitution.

Sec. 117. RCW 43.63A.735 and 1995 c 353 s 10 are each amended to read as follows:

(1) Subject to funds appropriated by the legislature, including funds in the prostitution prevention and intervention account, the attorney general shall make awards under the grant program established by RCW 43.63A.720 (as recodified by this act).

(2) Awards shall be made competitively based on the purposes of and criteria in RCW 43.63A.720 through 43.63A.730 (as recodified by this act).

(3) Activities funded under this section may be considered for funding in future years, but shall be considered under the same terms and criteria as new activities. Funding of a program or activity under this chapter shall not constitute an obligation by the state of Washington to provide ongoing funding.

(4) The attorney general may receive such gifts, grants, and endowments from public or private sources as may be made from time to time, in trust or otherwise, for the use and benefit of the purposes of...
the grant program established under RCW 43.63A.720 (as recodified by this act) and expend the same or any income from these sources according to the terms of the gifts, grants, or endowments.

(5) The (department of community, trade, and economic development) attorney general may expend up to five percent of the funds appropriated for the grant program for administrative costs and grant supervision.

Sec. 118. RCW 43.63A.740 and 2010 c 289 s 18 are each amended to read as follows:

The prostitution prevention and intervention account is created in the state treasury. All designated receipts from fees under RCW 9.68A.105 and 9A.88.120 and fines collected under RCW 9A.88.140 shall be deposited into the account. Expenditures from the account may be used in the following order of priority:

(1) Programs that provide mental health and substance abuse counseling, parenting skills training, housing relief, education, and vocational training for youth who have been diverted for a prostitution or prostitution loitering offense pursuant to RCW 13.40.213;

(2) Funding for services provided to sexually exploited children as defined in RCW 13.32A.030 in secure and semi-secure crisis residential centers with access to staff trained to meet their specific needs;

(3) Funding for services specified in RCW 74.14B.060 and 74.14B.070 for sexually exploited children; and

(4) Funding the grant program to enhance prostitution prevention and intervention services under RCW 43.63A.720 (as recodified by this act).

Sec. 119. RCW 9.68A.105 and 2010 c 289 s 15 are each amended to read as follows:

(1)(a) In addition to penalties set forth in RCW 9.68A.100, 9.68A.101, and 9.68A.102, a person who is either convicted or given a deferred sentence or a deferred prosecution or who has entered into a statutory or nonstatutory diversion agreement as a result of an arrest for violating RCW 9.68A.100, 9.68A.101, or 9.68A.102, or a comparable county or municipal ordinance shall be assessed a five thousand dollar fee.
(b) The court may not suspend payment of all or part of the fee unless it finds that the person does not have the ability to pay.

(c) When a minor has been adjudicated a juvenile offender or has entered into a statutory or nonstatutory diversion agreement for an offense which, if committed by an adult, would constitute a violation of RCW 9.68A.100, 9.68A.101, or 9.68A.102, or a comparable county or municipal ordinance, the court shall assess the fee under (a) of this subsection. The court may not suspend payment of all or part of the fee unless it finds that the minor does not have the ability to pay the fee.

(2) The fee assessed under subsection (1) of this section shall be collected by the clerk of the court and distributed each month to the state treasurer for deposit in the prostitution prevention and intervention account under RCW 43.63A.740 (as recodified by this act) for the purpose of funding prostitution prevention and intervention activities.

(3) For the purposes of this section:

(a) "Statutory or nonstatutory diversion agreement" means an agreement under RCW 13.40.080 or any written agreement between a person accused of an offense listed in subsection (1) of this section and a court, county or city prosecutor, or designee thereof, whereby the person agrees to fulfill certain conditions in lieu of prosecution.

(b) "Deferred sentence" means a sentence that will not be carried out if the defendant meets certain requirements, such as complying with the conditions of probation.

Sec. 120. RCW 9A.88.120 and 2007 c 368 s 12 are each amended to read as follows:

(1)(a) In addition to penalties set forth in RCW 9A.88.010, 9A.88.030, and 9A.88.090, a person who is either convicted or given a deferred sentence or a deferred prosecution or who has entered into a statutory or nonstatutory diversion agreement as a result of an arrest for violating RCW 9A.88.010, 9A.88.030, 9A.88.090, or comparable county or municipal ordinances shall be assessed a fifty dollar fee.

(b) In addition to penalties set forth in RCW 9A.88.110, a person who is either convicted or given a deferred sentence or a deferred prosecution or who has entered into a statutory or nonstatutory
diversion agreement as a result of an arrest for violating RCW 9A.88.110 or a comparable county or municipal ordinance shall be assessed a one hundred fifty dollar fee.

(c) In addition to penalties set forth in RCW 9A.88.070 and 9A.88.080, a person who is either convicted or given a deferred sentence or a deferred prosecution or who has entered into a statutory or nonstatutory diversion agreement as a result of an arrest for violating RCW 9A.88.070, 9A.88.080, or comparable county or municipal ordinances shall be assessed a three hundred dollar fee.

(2) The court may not suspend payment of all or part of the fee unless it finds that the person does not have the ability to pay.

(3) When a minor has been adjudicated a juvenile offender or has entered into a statutory or nonstatutory diversion agreement for an offense which, if committed by an adult, would constitute a violation under this chapter or comparable county or municipal ordinances, the court shall assess the fee as specified under subsection (1) of this section. The court may not suspend payment of all or part of the fee unless it finds that the minor does not have the ability to pay the fee.

(4) Any fee assessed under this section shall be collected by the clerk of the court and distributed each month to the state treasurer for deposit in the prostitution prevention and intervention account under RCW 43.63A.740 (as recodified by this act) for the purpose of funding prostitution prevention and intervention activities.

(5) For the purposes of this section:

(a) "Statutory or nonstatutory diversion agreement" means an agreement under RCW 13.40.080 or any written agreement between a person accused of an offense listed in subsection (1) of this section and a court, county, or city prosecutor, or designee thereof, whereby the person agrees to fulfill certain conditions in lieu of prosecution.

(b) "Deferred sentence" means a sentence that will not be carried out if the defendant meets certain requirements, such as complying with the conditions of probation.

Sec. 121. RCW 9A.88.140 and 2010 c 289 s 12 are each amended to read as follows:

(1)(a) Upon an arrest for a suspected violation of patronizing a prostitute, promoting prostitution in the first degree, promoting
prostitution in the second degree, promoting travel for prostitution, the arresting law enforcement officer may impound the person's vehicle if (i) the motor vehicle was used in the commission of the crime; (ii) the person arrested is the owner of the vehicle or the vehicle is a rental car as defined in RCW 46.04.465; and (iii) either (A) the person arrested has previously been convicted of one of the offenses listed in this subsection or (B) the offense was committed within an area designated under (b) of this subsection.

(b) A local governing authority may designate areas within which vehicles are subject to impoundment under this section regardless of whether the person arrested has previously been convicted of any of the offenses listed in (a) of this subsection.

(i) The designation must be based on evidence indicating that the area has a disproportionately higher number of arrests for the offenses listed in (a) of this subsection as compared to other areas within the same jurisdiction.

(ii) The local governing authority shall post signs at the boundaries of the designated area to indicate that the area has been designated under this subsection.

(2) Upon an arrest for a suspected violation of commercial sexual abuse of a minor, promoting commercial sexual abuse of a minor, or promoting travel for commercial sexual abuse of a minor, the arresting law enforcement officer shall impound the person's vehicle if (a) the motor vehicle was used in the commission of the crime; and (b) the person arrested is the owner of the vehicle or the vehicle is a rental car as defined in RCW 46.04.465.

(3) Impoundments performed under this section shall be in accordance with chapter 46.55 RCW and the impoundment order must clearly state "prostitution hold."

(4)(a) Prior to redeeming the impounded vehicle, and in addition to all applicable impoundment, towing, and storage fees paid to the towing company under chapter 46.55 RCW, the owner of the impounded vehicle must pay a fine to the impounding agency. The fine shall be five hundred dollars for the offenses specified in subsection (1) of this section, or two thousand five hundred dollars for the offenses specified in subsection (2) of this section. The fine shall be deposited in the prostitution prevention and intervention account established under RCW 43.63A.740 (as recodified by this act).
(b) Upon receipt of the fine paid under (a) of this subsection, the impounding agency shall issue a written receipt to the owner of the impounded vehicle.

(5)(a) In order to redeem a vehicle impounded under this section, the owner must provide the towing company with the written receipt issued under subsection (4)(b) of this section.

(b) The written receipt issued under subsection (4)(b) of this section authorizes the towing company to release the impounded vehicle upon payment of all impoundment, towing, and storage fees.

(c) A towing company that relies on a forged receipt to release a vehicle impounded under this section is not liable to the impounding authority for any unpaid fine under subsection (4)(a) of this section.

(6)(a) In any proceeding under chapter 46.55 RCW to contest the validity of an impoundment under this section where the claimant substantially prevails, the claimant is entitled to a full refund of the impoundment, towing, and storage fees paid under chapter 46.55 RCW and the five hundred dollar fine paid under subsection (4) of this section.

(b) If the person is found not guilty at trial for a crime listed under subsection (1) of this section, the person is entitled to a full refund of the impoundment, towing, and storage fees paid under chapter 46.55 RCW and the fine paid under subsection (4) of this section.

(c) All refunds made under this section shall be paid by the impounding agency.

(d) Prior to receiving any refund under this section, the claimant must provide proof of payment.

NEW SECTION. Sec. 122. RCW 43.63A.720, 43.63A.725, 43.63A.730, 43.63A.735, and 43.63A.740 are each recodified as sections in chapter 43.10 RCW.

Financial Fraud and Identity Theft Crimes Investigation and Prosecution Program

Sec. 123. RCW 43.330.300 and 2009 c 565 s 16 are each amended to read as follows:

(1) The financial fraud and identity theft crimes investigation and
prosecution program is created in the (department of commerce) office of the attorney general. The (department) attorney general shall:

(a) Appoint members of the financial fraud task forces created in subsection (2) of this section;
(b) Administer the account created in subsection (3) of this section; and
(c) By December 31st of each year submit a report to the appropriate committees of the legislature and the governor regarding the progress of the program and task forces. The report must include recommendations on changes to the program, including expansion.

(2)(a) The (department) attorney general shall establish two regional financial fraud and identity theft crime task forces that include a central Puget Sound task force that includes King and Pierce counties, and a Spokane county task force. Each task force must be comprised of local law enforcement, county prosecutors, representatives of the office of the attorney general, financial institutions, and other state and local law enforcement.
(b) The (department) attorney general shall appoint: (i) Representatives of local law enforcement from a list provided by the Washington association of sheriffs and police chiefs; (ii) representatives of county prosecutors from a list provided by the Washington association of prosecuting attorneys; and (iii) representatives of financial institutions.
(c) Each task force shall:
   (i) Hold regular meetings to discuss emerging trends and threats of local financial fraud and identity theft crimes;
   (ii) Set priorities for the activities for the task force;
   (iii) Apply to the (department) attorney general for funding to (A) hire prosecutors and/or law enforcement personnel dedicated to investigating and prosecuting financial fraud and identity theft crimes; and (B) acquire other needed resources to conduct the work of the task force;
   (iv) Establish outcome-based performance measures; and
   (v) Twice annually report to the (department) attorney general regarding the activities and performance of the task force.
(3) The financial fraud and identity theft crimes investigation and prosecution account is created in the state treasury. Moneys in the account may be spent only after appropriation. Revenue to the account
may include appropriations, revenues generated by the surcharge imposed in RCW 62A.9A-525, federal funds, and any other gifts or grants. Expenditures from the account may be used only to support the activities of the financial fraud and identity theft crime investigation and prosecution task forces and the program administrative expenses of the attorney general, which may not exceed ten percent of the amount appropriated.

(4) For purposes of this section, "financial fraud and identity theft crimes" includes those that involve: Check fraud, chronic unlawful issuance of bank checks, embezzlement, credit/debit card fraud, identity theft, forgery, counterfeit instruments such as checks or documents, organized counterfeit check rings, and organized identification theft rings.

Sec. 124. RCW 62A.9A-525 and 2008 c 290 s 2 are each amended to read as follows:

(a) **Filing with department of licensing.** Except as otherwise provided in subsection (b) or (e) of this section, the fee for filing and indexing a record under this part is the fee set by department of licensing rule pursuant to subsection (f) of this section. Without limitation, different fees may be charged for:

1. A record that is communicated in writing and consists of one or two pages;
2. A record that is communicated in writing and consists of more than two pages, which fee may be a multiple of the fee described in (1) of this subsection; and
3. A record that is communicated by another medium authorized by department of licensing rule, which fee may be a fraction of the fee described in (1) of this subsection.

(b) **Filing with other filing offices.** Except as otherwise provided in subsection (e) of this section, the fee for filing and indexing a record under this part that is filed in a filing office described in RCW 62A.9A-501(a)(1) is the fee that would otherwise be applicable to the recording of a mortgage in that filing office, as set forth in RCW 36.18.010.

(c) **Number of names.** The number of names required to be indexed does not affect the amount of the fee in subsections (a) and (b) of this section.
(d) **Response to information request.** The fee for responding to a request for information from a filing office, including for issuing a certificate showing, or otherwise communicating, whether there is on file any financing statement naming a particular debtor, is the fee set by department of licensing rule pursuant to subsection (f) of this section; provided however, if the request is to a filing office described in RCW 62A.9A-501(a)(1) and that office charges a different fee, then that different fee shall apply instead. Without limitation, different fees may be charged:

1. If the request is communicated in writing;
2. If the request is communicated by another medium authorized by filing-office rule; and
3. If the request is for expedited service.

(e) **Record of mortgage.** This section does not require a fee with respect to a record of a mortgage which is effective as a financing statement filed as a fixture filing or as a financing statement covering as-extracted collateral or timber to be cut under RCW 62A.9A-502(c). However, the recording and satisfaction fees that otherwise would be applicable to the record of the mortgage apply.

(f) **Filing office rules.** (1) The department of licensing shall by rule set the fees called for in this section for filing with, and obtaining information from, the department of licensing. The director shall set fees at a sufficient level to defray the costs of administering the program. All receipts from fees collected under this title, except fees for services covered under RCW 62A.9A-501(a)(1), shall be deposited to the uniform commercial code fund in the state treasury. Moneys in the fund may be spent only after appropriation and may be used only to administer the uniform commercial code program.

(2) In addition to fees on filings authorized under this section, the department of licensing shall impose a surcharge of eight dollars per filing for paper filings and a surcharge of three dollars per filing for electronic filings. The department shall deposit the proceeds from these surcharges in the financial fraud and identity theft crimes investigation and prosecution account created in RCW 43.330.300 (as recodified by this act).

(g) **Transition.** This section continues the fee-setting authority conferred on the department of licensing by former RCW 62A.9-409 and
nothing herein shall invalidate fees set by the department of licensing under the authority of former RCW 62A.9-409.

NEW SECTION. Sec. 125. RCW 43.330.300 is recodified as a section in chapter 43.10 RCW.

Community Mobilization Against Substance Abuse

Sec. 126. RCW 43.270.020 and 2001 c 48 s 2 are each amended to read as follows:

(1) There is established in the office of the attorney general a grant program to provide incentive for and support for communities to develop targeted and coordinated strategies to reduce the incidence and impact of alcohol, tobacco, or other drug abuse, or violence.

(2) The attorney general shall make awards, subject to funds appropriated by the legislature, under the following terms:

(a) Starting July 1, 2001, funds will be available to countywide programs through a formula developed by the attorney general in consultation with program contractors, which will take into consideration county population size.

(b) In order to be eligible for consideration, applicants must demonstrate, at a minimum:

(i) That the community has developed and is committed to carrying out a coordinated strategy of prevention, treatment, and law enforcement activities;

(ii) That the community has considered research-based theory when developing its strategy;

(iii) That proposals submitted for funding are based on a local assessment of need and address specific objectives contained in a coordinated strategy of prevention, treatment, and law enforcement against alcohol, tobacco, or other drug abuse, or violence;

(iv) Evidence of active participation in preparation of the proposal and specific commitments to implementing the community-wide agenda by leadership from education, law enforcement, local government, tribal government, and treatment entities in the community, and the
opportunity for meaningful involvement from others such as neighborhood and citizen groups, businesses, human service, health and job training organizations, and other key elements of the community, particularly those whose responsibilities in law enforcement, treatment, prevention, education, or other community efforts provide direct, ongoing contact with substance abusers or those who exhibit violent behavior, or those at risk for alcohol, tobacco, or other drug abuse, or violent behavior;

(v) Evidence of additional local resources committed to the applicant's strategy totaling at least twenty-five percent of funds awarded under this section. These resources may consist of public or private funds, donated goods or services, and other measurable commitments, including in-kind contributions such as volunteer services, materials, supplies, physical facilities, or a combination thereof; and

(vi) That the funds applied for, if received, will not be used to replace funding for existing activities.

(c) At a minimum, grant applications must include the following:

(i) A definition of geographic area;

(ii) A needs assessment describing the extent and impact of alcohol, tobacco, or other drug abuse, and violence in the community, including an explanation of those who are most severely impacted and those most at risk of substance abuse or violent behavior;

(iii) An explanation of the community-wide strategy for prevention, treatment, and law enforcement activities related to alcohol, tobacco, or other drug abuse, or violence, with particular attention to those who are most severely impacted and/or those most at risk of alcohol, tobacco, or other drug abuse, or violent behavior;

(iv) An explanation of who was involved in development of the strategy and what specific commitments have been made to carry it out;

(v) Identification of existing prevention, education, treatment, and law enforcement resources committed by the applicant, including financial and other support, and an explanation of how the applicant's strategy involves and builds on the efforts of existing organizations or coalitions that have been carrying out community efforts against alcohol, tobacco, or other drug abuse, or violence;

(vi) Identification of activities that address specific objectives in the strategy for which additional resources are needed;
(vii) Identification of additional local resources, including public or private funds, donated goods or services, and other measurable commitments, that have been committed to the activities identified in (c)(vi) of this subsection;

(viii) Identification of activities that address specific objectives in the strategy for which funding is requested;

(ix) For each activity for which funding is requested, an explanation in sufficient detail to demonstrate:

(A) Feasibility through deliberative design, specific objectives, and a realistic plan for implementation;

(B) A rationale for how this activity will achieve measurable results and how it will be evaluated;

(C) That funds requested are necessary and appropriate to effectively carry out the activity; and

(x) Identification of a contracting agent meeting state requirements for each activity proposed for funding.

Each contracting agent must execute a written agreement with its local community mobilization advisory board that reflects the duties and powers of each party.

(3) Activities that may be funded through this grant program include those that:

(a) Prevent alcohol, tobacco, or other drug abuse, or violence through educational efforts, development of positive alternatives, intervention with high-risk groups, and other prevention strategies;

(b) Support effective treatment by increasing access to and availability of treatment opportunities, particularly for underserved or highly impacted populations, developing aftercare and support mechanisms, and other strategies to increase the availability and effectiveness of treatment;

(c) Provide meaningful consequences for participation in illegal activity and promote safe and healthy communities through support of law enforcement strategies;

(d) Create or build on efforts by existing community programs, coordinate their efforts, and develop cooperative efforts or other initiatives to make most effective use of resources to carry out the community's strategy against alcohol, tobacco, or other drug abuse, or violence; and
(e) Other activities that demonstrate both feasibility and a rationale for how the activity will achieve measurable results in the strategy against alcohol, tobacco, or other drug abuse, or violence.

Sec. 127. RCW 43.270.070 and 2001 c 48 s 3 are each amended to read as follows:

The attorney general shall ask communities for suggestions on state practices, policies, and priorities that would help communities implement their strategies against alcohol, tobacco, or other drug abuse, or violence. The attorney general shall review and respond to those suggestions making necessary changes where feasible, making recommendations to the legislature where appropriate, and providing an explanation as to why suggested changes cannot be accomplished, if the suggestions cannot be acted upon.

Sec. 128. RCW 43.270.080 and 2001 c 48 s 4 are each amended to read as follows:

The attorney general may receive such gifts, grants, and endowments from public or private sources as may be made from time to time, in trust or otherwise, for the use and benefit of the purposes of RCW 43.270.010 through 43.270.080 and expend the same or any income therefrom according to the terms of the gifts, grants, or endowments.

PART 2
PROGRAMS TRANSFERRED FROM THE DEPARTMENT OF LABOR AND INDUSTRIES

Crime Victims' Compensation Program

Sec. 201. RCW 7.68.015 and 1989 1st ex.s. c 5 s 1 are each amended to read as follows:

The attorney general shall operate the crime victims' compensation program within the appropriations and the conditions and limitations on the appropriations provided for this program.
Sec. 202. RCW 7.68.020 and 2011 c 346 s 101 are each amended to read as follows:

The following words and phrases as used in this chapter have the meanings set forth in this section unless the context otherwise requires.

1. "Accredited school" means a school or course of instruction which is:
   (a) Approved by the state superintendent of public instruction, the state board of education, or the state board for community and technical colleges; or
   (b) Regulated or licensed as to course content by any agency of the state or under any occupational licensing act of the state, or recognized by the apprenticeship council under an agreement registered with the apprenticeship council pursuant to chapter 49.04 RCW.

2. "Average monthly wage" means the average annual wage as determined under RCW 50.04.355 as now or hereafter amended divided by twelve.

3. "Beneficiary" means a husband, wife, registered domestic partner, or child of a victim in whom shall vest a right to receive payment under this chapter, except that a husband or wife of an injured victim, living separate and apart in a state of abandonment, regardless of the party responsible therefor, for more than one year at the time of the injury or subsequently, shall not be a beneficiary. A spouse who has lived separate and apart from the other spouse for the period of two years and who has not, during that time, received or attempted by process of law to collect funds for maintenance, shall be deemed living in a state of abandonment.

4. "Child" means every natural born child, posthumous child, stepchild, child legally adopted prior to the injury, child born after the injury where conception occurred prior to the injury, and dependent child in the legal custody and control of the victim, all while under the age of eighteen years, or under the age of twenty-three years while permanently enrolled as a full-time student in an accredited school, and over the age of eighteen years if the child is a dependent as a result of a physical, mental, or sensory handicap.

5. "Criminal act" means an act committed or attempted in this state which is: (a) Punishable as a federal offense that is comparable to a felony or gross misdemeanor in this state; (b) punishable as a
felony or gross misdemeanor under the laws of this state; (c) an act committed outside the state of Washington against a resident of the state of Washington which would be compensable had it occurred inside this state and the crime occurred in a state which does not have a crime victims' compensation program, for which the victim is eligible as set forth in the Washington compensation law; or (d) trafficking as defined in RCW 9A.40.100. A "criminal act" does not include the following:

(i) The operation of a motor vehicle, motorcycle, train, boat, or aircraft in violation of law unless:
   (A) The injury or death was intentionally inflicted;
   (B) The operation thereof was part of the commission of another nonvehicular criminal act as defined in this section;
   (C) The death or injury was the result of the operation of a motor vehicle after July 24, 1983, and a preponderance of the evidence establishes that the death was the result of vehicular homicide under RCW 46.61.520, or a conviction of vehicular assault under RCW 46.61.522, has been obtained. In cases where a probable criminal defendant has died in perpetration of vehicular assault or, in cases where the perpetrator of the vehicular assault is unascertainable because he or she left the scene of the accident in violation of RCW 46.52.020 or, because of physical or mental infirmity or disability the perpetrator is incapable of standing trial for vehicular assault, the attorney general may, by a preponderance of the evidence, establish that a vehicular assault had been committed and authorize benefits;
   (D) The injury or death was caused by a driver in violation of RCW 46.61.502; or
   (E) The injury or death was caused by a driver in violation of RCW 46.61.655(7)(a), failure to secure a load in the first degree;
(ii) Neither an acquittal in a criminal prosecution nor the absence of any such prosecution is admissible in any claim or proceeding under this chapter as evidence of the noncriminal character of the acts giving rise to such claim or proceeding, except as provided for in (d)(i)(C) of this subsection;
(iii) Evidence of a criminal conviction arising from acts which are the basis for a claim or proceeding under this chapter is admissible in
such claim or proceeding for the limited purpose of proving the
criminal character of the acts; and

   (iv) Acts which, but for the insanity or mental irresponsibility of
the perpetrator, would constitute criminal conduct are deemed to be
criminal conduct within the meaning of this chapter.

(6) (("Department" means the department of labor and industries.

(7)) "Financial support for lost wages" means a partial
replacement of lost wages due to a temporary or permanent total

disability.

(7+) (7) "Gainfully employed" means engaging on a regular and
continuous basis in a lawful activity from which a person derives a

(8) "Injury" means a sudden and tangible happening, of a
traumatic nature, producing an immediate or prompt result, and
occuring from without, and such physical conditions as result
therefrom.

(10+) (9) "Invalid" means one who is physically or mentally
incapacitated from earning wages.

(11+) (10) "Permanent total disability" means loss of both legs,
or arms, or one leg and one arm, total loss of eyesight, paralysis, or
other condition permanently incapacitating the victim from performing
any work at any gainful occupation.

(12+) (11) "Private insurance" means any source of recompense
provided by contract available as a result of the claimed injury or
death at the time of such injury or death, or which becomes available
any time thereafter.

(13+) (12) "Public insurance" means any source of recompense
provided by statute, state or federal, available as a result of the
claimed injury or death at the time of such injury or death, or which
becomes available any time thereafter.

(14+) (13) "Temporary total disability" means any condition that
temporarily incapacitates a victim from performing any type of gainful
employment as certified by the victim's attending physician.

(15+) (14) "Victim" means a person who suffers bodily injury or
death as a proximate result of a criminal act of another person, the
victim's own good faith and reasonable effort to prevent a criminal
act, or his or her good faith effort to apprehend a person reasonably
suspected of engaging in a criminal act. For the purposes of receiving
benefits pursuant to this chapter, "victim" is interchangeable with "employee" or "worker" as defined in chapter 51.08 RCW as now or hereafter amended.

 Sec. 203. RCW 7.68.030 and 2011 c 346 s 206 are each amended to read as follows:

(1) It shall be the duty of the attorney general to establish and administer a program of benefits to innocent victims of criminal acts within the terms and limitations of this chapter. The attorney general may apply for and, subject to appropriation, expend federal funds under Public Law 98-473 and any other federal program providing financial assistance to state crime victim compensation programs. The federal funds shall be deposited in the state general fund and may be expended only for purposes authorized by applicable federal law.

(2) The attorney general shall:

(a) Establish and adopt rules governing the administration of this chapter in accordance with chapter 34.05 RCW;

(b) Regulate the proof of accident and extent thereof, the proof of death, and the proof of relationship and the extent of dependency;

(c) Supervise the medical, surgical, and hospital treatment to the intent that it may be in all cases efficient and up to the recognized standard of modern surgery;

(d) Issue proper receipts for moneys received and certificates for benefits accrued or accruing;

(e) Designate a medical director who is licensed under chapter 18.57 or 18.71 RCW;

(f) Supervise the providing of prompt and efficient care and treatment, including care provided by physician assistants governed by the provisions of chapters 18.57A and 18.71A RCW, acting under a supervising physician, including chiropractic care, and including care provided by licensed advanced registered nurse practitioners, to victims at the least cost consistent with promptness and efficiency, without discrimination or favoritism, and with as great uniformity as the various and diverse surrounding circumstances and locations of industries will permit and to that end shall, from time to time, establish and adopt and supervise the administration of printed forms, electronic communications, rules, and practices for
the furnishing of such care and treatment. The medical coverage
decisions of the office of the attorney general do not
constitute a "rule" as used in RCW 34.05.010(16), nor are such
decisions subject to the rule-making provisions of chapter 34.05 RCW
except that criteria for establishing medical coverage decisions shall
be adopted by rule. The attorney general may recommend
to a victim particular health care services and providers where
specialized treatment is indicated or where cost-effective payment
levels or rates are obtained by the attorney general, and the attorney general may enter into contracts for
goods and services including, but not limited to, durable medical
equipment so long as statewide access to quality service is maintained
for injured victims;

(g) In consultation with interested persons, establish and, in his
or her discretion, periodically change as may be necessary, and make
available a fee schedule of the maximum charges to be made by any
physician, surgeon, chiropractor, hospital, druggist, licensed advanced
registered nurse practitioner, and physician assistants as defined in
chapters 18.57A and 18.71A RCW, acting under a supervising physician or
other agency or person rendering services to victims. The
attorney general shall coordinate with other state
purchasers of health care services to establish as much consistency and
uniformity in billing and coding practices as possible, taking into
account the unique requirements and differences between programs. No
service covered under this title, including services provided to
victims, whether aliens or other victims, who are not residing in the
United States at the time of receiving the services, shall be charged
or paid at a rate or rates exceeding those specified in such fee
schedule, and no contract providing for greater fees shall be valid as
to the excess. The establishment of such a schedule, exclusive of
conversion factors, does not constitute "agency action" as used in RCW
34.05.010(3), nor does such a fee schedule constitute a "rule" as used
in RCW 34.05.010(16);

(h) Make a record of the commencement of every disability and the
termination thereof and, when bills are rendered for the care and
treatment of injured victims, shall approve and pay those which conform
to the adopted rules, established fee schedules, and
practices of the attorney general and may reject any bill
or item thereof incurred in violation of the principles laid down in this section or the rules, ((regulations,)) or the established fee schedules and rules ((and regulations)) adopted under it.

(3) The ((director)) attorney general and his or her authorized assistants:

(a) Have power to issue subpoenas to enforce the attendance and testimony of witnesses and the production and examination of books, papers, photographs, tapes, and records before the ((department)) attorney general in connection with any claim made to the ((department)) attorney general or any billing submitted to the ((department)) attorney general. The superior court has the power to enforce any such subpoena by proper proceedings;

(b)(i) May apply for and obtain a superior court order approving and authorizing a subpoena in advance of its issuance. The application may be made in the county where the subpoenaed person resides or is found, or the county where the subpoenaed records or documents are located, or in Thurston county. The application must (A) state that an order is sought pursuant to this subsection; (B) adequately specify the records, documents, or testimony; and (C) declare under oath that an investigation is being conducted for a lawfully authorized purpose related to an investigation within the ((department's)) attorney general's authority and that the subpoenaed documents or testimony are reasonably related to an investigation within the ((department's)) attorney general's authority.

(ii) Where the application under this subsection (3)(b) is made to the satisfaction of the court, the court must issue an order approving the subpoena. An order under this subsection constitutes authority of law for the agency to subpoena the records or testimony.

(iii) The ((director)) attorney general and his or her authorized assistants may seek approval and a court may issue an order under this subsection without prior notice to any person, including the person to whom the subpoena is directed and the person who is the subject of an investigation.

(4) In all hearings, actions, or proceedings before the ((department)) attorney general, any physician or licensed advanced registered nurse practitioner having theretofore examined or treated the claimant may be required to testify fully regarding such
examination or treatment, and shall not be exempt from so testifying by
reason of the relation of the physician or licensed advanced registered
nurse practitioner to the patient.

Sec. 204. RCW 7.68.031 and 2011 c 346 s 201 are each amended to
read as follows:

On all claims under this chapter, claimants' written or electronic
notices, orders, or warrants must be forwarded directly to the claimant
until such time as there has been entered an order on the claim
appealable to the ((department)) attorney general. Claimants' written
or electronic notices, orders, or warrants may be forwarded to the
claimant in care of a representative before an order has been entered
if the claimant sets forth in writing the name and address of the
representative to whom the claimant desires this information to be
forwarded.

Sec. 205. RCW 7.68.032 and 2011 c 346 s 202 are each amended to
read as follows:

The ((department)) attorney general may, at any time, on receipt of
written or electronic authorization, transmit amounts payable to a
claimant ((or)) to the account of such person in a bank or other
financial institution regulated by state or federal authority.

Sec. 206. RCW 7.68.033 and 2011 c 346 s 203 are each amended to
read as follows:

(1) Except as provided in RCW 43.20B.720, 72.09.111, 74.20A.260,
and 51.32.380, no money paid or payable under this chapter shall,
before the issuance and delivery of the check or warrant, or
disbursement of electronic funds or electronic payment, be assigned,
charged, or taken in execution, attached, garnished, or pass or be paid
to any other person by operation of law, any form of voluntary
assignment, or power of attorney. Any such assignment or charge is
void unless the transfer is to a financial institution at the request
of a victim or other beneficiary and made in accordance with RCW
7.68.034.

(2)(a) If any victim suffers an injury and dies from it before he
or she receives payment of any monthly installment covering financial
support for lost wages for any period of time before his or her death,
the amount of the monthly payment shall be paid to the surviving spouse or the child or children if there is no surviving spouse. If there is no surviving spouse and no child or children, the amount of the monthly payment shall be paid by the (department) attorney general and distributed consistent with the terms of the decedent's will or, if the decedent dies intestate, consistent with the terms of RCW 11.04.015.

(b) Any application for compensation under this subsection (2) shall be filed with the (department) attorney general within one year of the date of death. The (department) attorney general may satisfy its responsibilities under this subsection (2) by sending any payment due in the name of the decedent and to the last known address of the decedent.

(3) Any victim or beneficiary receiving benefits under this chapter who is subsequently confined in, or who subsequently becomes eligible for benefits under this chapter while confined in, any institution under conviction and sentence shall have all payments of the compensation canceled during the period of confinement. After discharge from the institution, payment of benefits due afterward shall be paid if the victim or beneficiary would, except for the provisions of this subsection (3), otherwise be eligible for them.

Sec. 207. RCW 7.68.035 and 2011 c 336 s 246 are each amended to read as follows:

(1)(a) When any person is found guilty in any superior court of having committed a crime, except as provided in subsection (2) of this section, there shall be imposed by the court upon such convicted person a penalty assessment. The assessment shall be in addition to any other penalty or fine imposed by law and shall be five hundred dollars for each case or cause of action that includes one or more convictions of a felony or gross misdemeanor and two hundred fifty dollars for any case or cause of action that includes convictions of only one or more misdemeanors.

(b) When any juvenile is adjudicated of any offense in any juvenile offense disposition under Title 13 RCW, except as provided in subsection (2) of this section, there shall be imposed upon the juvenile offender a penalty assessment. The assessment shall be in addition to any other penalty or fine imposed by law and shall be one hundred dollars for each case or cause of action that includes one or
more adjudications for a felony or gross misdemeanor and seventy-five dollars for each case or cause of action that includes adjudications of only one or more misdemeanors.

(2) The assessment imposed by subsection (1) of this section shall not apply to motor vehicle crimes defined in Title 46 RCW except those defined in the following sections: RCW 46.61.520, 46.61.522, 46.61.024, 46.52.090, 46.70.140, 46.61.502, 46.61.504, 46.52.101, 46.20.410, 46.52.020, 46.10.495, 46.09.480, 46.61.5249, 46.61.525, 46.61.685, 46.61.530, 46.61.500, 46.61.015, 46.52.010, 46.44.180, 46.10.490(2), and 46.09.470(2).

(3) When any person accused of having committed a crime posts bail in superior court pursuant to the provisions of chapter 10.19 RCW and such bail is forfeited, there shall be deducted from the proceeds of such forfeited bail a penalty assessment, in addition to any other penalty or fine imposed by law, equal to the assessment which would be applicable under subsection (1) of this section if the person had been convicted of the crime.

(4) Such penalty assessments shall be paid by the clerk of the superior court to the county treasurer who shall monthly transmit the money as provided in RCW 10.82.070. Each county shall deposit fifty percent of the money it receives per case or cause of action under subsection (1) of this section and retains under RCW 10.82.070, not less than one and seventy-five one-hundredths percent of the remaining money it retains under RCW 10.82.070 and the money it retains under chapter 3.62 RCW, and all money it receives under subsection (7) of this section into a fund maintained exclusively for the support of comprehensive programs to encourage and facilitate testimony by the victims of crimes and witnesses to crimes. A program shall be considered "comprehensive" only after approval of the attorney general upon application by the county prosecuting attorney. The attorney general shall approve as comprehensive only programs which:

(a) Provide comprehensive services to victims and witnesses of all types of crime with particular emphasis on serious crimes against persons and property. It is the intent of the legislature to make funds available only to programs which do not restrict services to victims or witnesses of a particular type or types of crime and that such funds supplement, not supplant, existing local funding levels;

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(b) Are administered by the county prosecuting attorney either
directly through the prosecuting attorney's office or by contract
between the county and agencies providing services to victims of crime;
(c) Make a reasonable effort to inform the known victim or his or
her surviving dependents of the existence of this chapter and the
procedure for making application for benefits;
(d) Assist victims in the restitution and adjudication process; and
(e) Assist victims of violent crimes in the preparation and
presentation of their claims to the ((department of labor and
industries)) attorney general under this chapter.

Before a program in any county west of the Cascade mountains is
submitted to the ((department)) attorney general for approval, it shall
be submitted for review and comment to each city within the county with
a population of more than one hundred fifty thousand. The
((department)) attorney general will consider if the county's proposed
comprehensive plan meets the needs of crime victims in cases
adjudicated in municipal, district or superior courts and of crime
victims located within the city and county.

(5) Upon submission to the ((department)) attorney general of a
letter of intent to adopt a comprehensive program, the prosecuting
attorney shall retain the money deposited by the county under
subsection (4) of this section until such time as the county
prosecuting attorney has obtained approval of a program from the
((department)) attorney general. Approval of the comprehensive plan by
the ((department)) attorney general must be obtained within one year of
the date of the letter of intent to adopt a comprehensive program. The
county prosecuting attorney shall not make any expenditures from the
money deposited under subsection (4) of this section until approval of
a comprehensive plan by the ((department)) attorney general. If a
county prosecuting attorney has failed to obtain approval of a program
from the ((department)) attorney general under subsection (4) of this
section or failed to obtain approval of a comprehensive program within
one year after submission of a letter of intent under this section, the
county treasurer shall monthly transmit one hundred percent of the
money deposited by the county under subsection (4) of this section to
the state treasurer for deposit in the state general fund.

(6) County prosecuting attorneys are responsible to make every
reasonable effort to insure that the penalty assessments of this chapter are imposed and collected.

(7) Every city and town shall transmit monthly one and seventy-five one-hundredths percent of all money, other than money received for parking infractions, retained under RCW 3.50.100 and 35.20.220 to the county treasurer for deposit as provided in subsection (4) of this section.

Sec. 208. RCW 7.68.045 and 2010 c 122 s 3 are each amended to read as follows:

The crime victims' compensation account is created in the custody of the state treasurer. Expenditures from the account may be used only for the crime victims' compensation program under this chapter. Only the ((director of the department or the director's)) attorney general or the attorney general's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

Sec. 209. RCW 7.68.050 and 2011 c 346 s 704 and 2011 c 336 s 247 are each reenacted and amended to read as follows:

(1) No right of action at law for damages incurred as a consequence of a criminal act shall be lost as a consequence of being entitled to benefits under the provisions of this chapter. The victim or his or her beneficiary may elect to seek damages from the person or persons liable for the claimed injury or death, and such victim or beneficiary is entitled to the full compensation and benefits provided by this chapter regardless of any election or recovery made pursuant to this section.

(2) For the purposes of this section, the rights, privileges, responsibilities, duties, limitations, and procedures contained in subsections (3) through (25) of this section apply.

(3)(a) If a third person is or may become liable to pay damages on account of a victim's injury for which benefits and compensation are provided under this chapter, the injured victim or beneficiary may elect to seek damages from the third person.

(b) In every action brought under this section, the plaintiff shall give notice to the ((department)) attorney general when the action is filed. The ((department)) attorney general may file a notice of
statutory interest in recovery. When such notice has been filed by the
((department)) attorney general, the parties shall thereafter serve
copies of all notices, motions, pleadings, and other process on the
((department)) attorney general. The ((department)) attorney general
may then intervene as a party in the action to protect its statutory
interest in recovery.

(c) For the purposes of this subsection, "injury" includes any
physical or mental condition, disease, ailment, or loss, including
death, for which compensation and benefits are paid or payable under
this chapter.

(d) For the purposes of this chapter, "recovery" includes all
damages and insurance benefits, including life insurance, paid in
connection with the victim's injuries or death.

(4) An election not to proceed against the third person operates as
an assignment of the cause of action to the ((department)) attorney
general, which may prosecute or compromise the action in its discretion
in the name of the victim, beneficiary, or legal representative.

(5) If an injury to a victim results in the victim's death, the
((department)) attorney general to which the cause of action has been
assigned may petition a court for the appointment of a special personal
representative for the limited purpose of maintaining an action under
this chapter and chapter 4.20 RCW.

(6) If a beneficiary is a minor child, an election not to proceed
against a third person on such beneficiary's cause of action may be
exercised by the beneficiary's legal custodian or guardian.

(7) Any recovery made by the ((department)) attorney general shall
be distributed as follows:

(a) The ((department)) attorney general shall be paid the expenses
incurred in making the recovery including reasonable costs of legal
services;

(b) The victim or beneficiary shall be paid twenty-five percent of
the balance of the recovery made, which shall not be subject to
subsection (8) of this section, except that in the event of a
compromise and settlement by the parties, the victim or beneficiary may
agree to a sum less than twenty-five percent;

(c) The ((department)) attorney general shall be paid the amount
paid to or on behalf of the victim or beneficiary by the ((department))
attorney general; and
(d) The victim or beneficiary shall be paid any remaining balance.

(8) Thereafter no payment shall be made to or on behalf of a victim or beneficiary by the ((department)) attorney general for such injury until any further amount payable shall equal any such remaining balance. Thereafter, such benefits shall be paid by the ((department)) attorney general to or on behalf of the victim or beneficiary as though no recovery had been made from a third person.

(9) If the victim or beneficiary elects to seek damages from the third person, any recovery made shall be distributed as follows:

(a) The costs and reasonable attorneys' fees shall be paid proportionately by the victim or beneficiary and the ((department)) attorney general. The ((department)) attorney general may require court approval of costs and attorneys' fees or may petition a court for determination of the reasonableness of costs and attorneys' fees;

(b) The victim or beneficiary shall be paid twenty-five percent of the balance of the award, except that in the event of a compromise and settlement by the parties, the victim or beneficiary may agree to a sum less than twenty-five percent;

(c) The ((department)) attorney general shall be paid the balance of the recovery made, but only to the extent necessary to reimburse the ((department)) attorney general for the amount paid;

(i) The ((department)) attorney general shall bear its proportionate share of the costs and reasonable attorneys' fees incurred by the victim or beneficiary to the extent of the benefits paid under this title. The ((department's)) attorney general's proportionate share shall not exceed one hundred percent of the costs and reasonable attorneys' fees;

(ii) The ((department's)) attorney general's proportionate share of the costs and reasonable attorneys' fees shall be determined by dividing the gross recovery amount into the benefits paid amount and multiplying this percentage times the costs and reasonable attorneys' fees incurred by the victim or beneficiary;

(iii) The ((department's)) attorney general's reimbursement share shall be determined by subtracting their proportionate share of the costs and reasonable attorneys' fees from the benefits paid amount;

(d) Any remaining balance shall be paid to the victim or beneficiary; and
(e) Thereafter no payment shall be made to or on behalf of a victim or beneficiary by the ((department)) attorney general for such injury until the amount of any further amount payable shall equal any such remaining balance minus the ((department's)) attorney general's proportionate share of the costs and reasonable attorneys' fees in regards to the remaining balance. This proportionate share shall be determined by dividing the gross recovery amount into the remaining balance amount and multiplying this percentage times the costs and reasonable attorneys' fees incurred by the victim or beneficiary. Thereafter, such benefits shall be paid by the ((department)) attorney general to or on behalf of the victim or beneficiary as though no recovery had been made from a third person.

(10) The recovery made shall be subject to a lien by the ((department)) attorney general for its share under this section. Notwithstanding RCW 48.18.410, a recovery made from life insurance shall be subject to a lien by the ((department)) attorney general.

(11) The ((department)) attorney general has sole discretion to compromise the amount of its lien. In deciding whether or to what extent to compromise its lien, the ((department)) attorney general shall consider at least the following:

(a) The likelihood of collection of the award or settlement as may be affected by insurance coverage, solvency, or other factors relating to the third person;

(b) Factual and legal issues of liability as between the victim or beneficiary and the third person. Such issues include but are not limited to possible contributory negligence and novel theories of liability; and

(c) Problems of proof faced in obtaining the award or settlement.

(12) It shall be the duty of the person to whom any recovery is paid before distribution under this section to advise the ((department)) attorney general of the fact and amount of such recovery, the costs and reasonable attorneys' fees associated with the recovery, and to distribute the recovery in compliance with this section.

(13) The distribution of any recovery made by award or settlement of the third party action shall be confirmed by ((department)) attorney general order, served by electronic, registered or certified mail, and shall be subject to chapter 51.52 RCW. In the event the order of
distribution becomes final under chapter 51.52 RCW, the attorney general or the attorney general's designee may file with the clerk of any county within the state a warrant in the amount of the sum representing the unpaid lien plus interest accruing from the date the order became final. The clerk of the county in which the warrant is filed shall immediately designate a superior court cause number for such warrant and the clerk shall cause to be entered in the judgment docket under the superior court cause number assigned to the warrant, the name of such victim or beneficiary mentioned in the warrant, the amount of the unpaid lien plus interest accrued and the date when the warrant was filed. The amount of such warrant as docketed shall become a lien upon the title to and interest in all real and personal property of the victim or beneficiary against whom the warrant is issued, the same as a judgment in a civil case docketed in the office of such clerk. The sheriff shall then proceed in the same manner and with like effect as prescribed by law with respect to execution or other process issued against rights or property upon judgment in the superior court. Such warrant so docketed shall be sufficient to support the issuance of writs of garnishment in favor of the attorney general in the manner provided by law in the case of judgment, wholly or partially unsatisfied. The clerk of the court shall be entitled to a filing fee under RCW 36.18.012(10), which shall be added to the amount of the warrant. A copy of such warrant shall be mailed to the victim or beneficiary within three days of filing with the clerk.

(14) The attorney general or the attorney general's designee, may issue to any person, firm, corporation, municipal corporation, political subdivision of the state, public corporation, or agency of the state, a notice and order to withhold and deliver property of any kind if he or she has reason to believe that there is in the possession of such person, firm, corporation, municipal corporation, political subdivision of the state, public corporation, or agency of the state, property which is due, owing, or belonging to any victim or beneficiary upon whom a warrant has been served by the attorney general for payments due to the crime victims' compensation program. The notice and order to withhold and deliver shall be served by the sheriff of the county or by the sheriff's deputy; by certified mail, return receipt requested; or
by any authorized representatives of the attorney general. Any person, firm, corporation, municipal corporation, political subdivision of the state, public corporation, or agency of the state upon whom service has been made shall answer the notice within twenty days exclusive of the day of service, under oath and in writing, and shall make true answers to the matters inquired of in the notice and order to withhold and deliver. In the event there is in the possession of the party named and served with such notice and order, any property which may be subject to the claim of the attorney general, such property shall be delivered forthwith to the attorney general's authorized representative upon demand. If the party served and named in the notice and order fails to answer the notice and order within the time prescribed in this section, the court may, after the time to answer such order has expired, render judgment by default against the party named in the notice for the full amount claimed by the attorney general in the notice together with costs. In the event that a notice to withhold and deliver is served upon an employer and the property found to be subject thereto is wages, the employer may assert in the answer to all exemptions provided for by chapter 6.27 RCW to which the wage earner may be entitled.

(15) The attorney general may require the victim or beneficiary to exercise the right of election under this chapter by serving a written demand by electronic mail, registered mail, certified mail, or personal service on the victim or beneficiary.

(16) Unless an election is made within sixty days of the receipt of the demand, and unless an action is instituted or settled within the time granted by the attorney general, the victim or beneficiary is deemed to have assigned the action to the attorney general. The attorney general shall allow the victim or beneficiary at least ninety days from the election to institute or settle the action. When a beneficiary is a minor child the demand shall be served upon the legal custodian or guardian of such beneficiary.

(17) If an action which has been filed is not diligently prosecuted, the attorney general may petition the court in which the action is pending for an order assigning the cause of
action to the ((department)) attorney general. Upon a sufficient showing of a lack of diligent prosecution the court in its discretion may issue the order.

(18) If the ((department)) attorney general has taken an assignment of the third party cause of action under subsection (16) of this section, the victim or beneficiary may, at the discretion of the ((department)) attorney general, exercise a right of reelection and assume the cause of action subject to reimbursement of litigation expenses incurred by the ((department)) attorney general.

(19) If the victim or beneficiary elects to seek damages from the third person, notice of the election must be given to the ((department)) attorney general. The notice shall be by registered mail, certified mail, or personal service. If an action is filed by the victim or beneficiary, a copy of the complaint must be sent by registered mail to the ((department)) attorney general.

(20) A return showing service of the notice on the ((department)) attorney general shall be filed with the court but shall not be part of the record except as necessary to give notice to the defendant of the lien imposed by subsection (10) of this section.

(21) Any compromise or settlement of the third party cause of action by the victim or beneficiary which results in less than the entitlement under this title is void unless made with the written approval of the ((department)) attorney general. For the purposes of this chapter, "entitlement" means benefits and compensation paid and estimated by the ((department)) attorney general to be paid in the future.

(22) If a compromise or settlement is void because of subsection (21) of this section, the ((department)) attorney general may petition the court in which the action was filed for an order assigning the cause of action to the ((department)) attorney general. If an action has not been filed, the ((department)) attorney general may proceed as provided in chapter 7.24 RCW.

(23) The fact that the victim or beneficiary is entitled to compensation under this title shall not be pleaded or admissible in evidence in any third-party action under this chapter. Any challenge of the right to bring such action shall be made by supplemental pleadings only and shall be decided by the court as a matter of law.
(24) Actions against third persons that are assigned by the claimant to the attorney general, voluntarily or by operation of law in accordance with this chapter, may be prosecuted by special assistant attorneys general.

(25) The attorney general shall select special assistant attorneys general from a list compiled by the office of the attorney general and the Washington state bar association. The attorney general, in conjunction with the department, shall adopt rules outlining the criteria and the procedure by which private attorneys may have their names placed on the list of attorneys available for appointment as special assistant attorneys general to litigate third-party actions under subsection (24) of this section.

(26) The 1980 amendments to this section apply only to injuries which occur on or after April 1, 1980.

Sec. 210. RCW 7.68.060 and 2011 c 346 s 301 are each amended to read as follows:

(1) Except for applications received pursuant to subsection (6) of this section, no compensation of any kind shall be available under this chapter if:

(a) An application for benefits is not received by the attorney general within two years after the date the criminal act was reported to a local police department or sheriff's office or the date the rights of beneficiaries accrued, unless the attorney general has determined that "good cause" exists to expand the time permitted to receive the application. "Good cause" shall be determined by the attorney general on a case-by-case basis and may extend the period of time in which an application can be received for up to five years after the date the criminal act was reported to a local police department or sheriff's office or the date the rights of beneficiaries accrued; or

(b) The criminal act is not reported by the victim or someone on his or her behalf to a local police department or sheriff's office within twelve months of its occurrence or, if it could not reasonably have been reported within that period, within twelve months of the time when a report could reasonably have been made. In making
determinations as to reasonable time limits, the attorney general shall give greatest weight to the needs of the victims.

(2) No person or spouse, child, or dependent of such person is eligible for benefits under this chapter when the injury for which benefits are sought, was:

(a) The result of consent, provocation, or incitement by the victim, unless an injury resulting from a criminal act caused the death of the victim;

(b) Sustained while the crime victim was engaged in the attempt to commit, or the commission of, a felony; or

(c) Sustained while the victim was confined in any county or city jail, federal jail or prison or in any other federal institution, or any state correctional institution maintained and operated by the department of social and health services or the department of corrections, prior to release from lawful custody; or confined or living in any other institution maintained and operated by the department of social and health services or the department of corrections.

(3) No person or spouse, child, or dependent of such person is eligible for benefits under this chapter where the person making a claim for such benefits has refused to give reasonable cooperation to state or local law enforcement agencies in their efforts to apprehend and convict the perpetrator of the criminal act which gave rise to the claim.

(4) A victim is not eligible for benefits under this chapter if he or she:

(a) Has been convicted of a felony offense within five years preceding the criminal act for which they are applying where the felony offense is a violent offense under RCW 9.94A.030 or a crime against persons under RCW 9.94A.411, or is convicted of such a felony offense after the criminal act for which they are applying; and

(b) Has not completely satisfied all legal financial obligations owed.

(5) Because victims of childhood criminal acts may repress conscious memory of such criminal acts far beyond the age of eighteen, the rights of adult victims of childhood criminal acts shall accrue at the time the victim discovers or reasonably should have discovered the
elements of the crime. In making determinations as to reasonable time limits, the ((department)) attorney general shall give greatest weight to the needs of the victim.

(6)(a) Benefits under this chapter are available to any victim of a person against whom the state initiates proceedings under chapter 71.09 RCW. The right created under this subsection shall accrue when the victim is notified of proceedings under chapter 71.09 RCW or the victim is interviewed, deposed, or testifies as a witness in connection with the proceedings. An application for benefits under this subsection must be received by the ((department)) attorney general within two years after the date the victim's right accrued unless the ((director)) attorney general determines that good cause exists to expand the time to receive the application. The ((director)) attorney general shall determine "good cause" on a case-by-case basis and may extend the period of time in which an application can be received for up to five years after the date the right of the victim accrued. Benefits under this subsection shall be limited to compensation for costs or losses incurred on or after the date the victim's right accrues for a claim allowed under this subsection.

(b) A person identified as the "minor" in the charge of commercial sexual abuse of a minor under RCW 9.68A.100, promoting commercial sexual abuse of a minor under RCW 9.68A.101, or promoting travel for commercial sexual abuse of a minor under RCW 9.68A.102 is considered a victim of a criminal act for the purpose of the right to benefits under this chapter even if the person is also charged with prostitution under RCW 9A.88.030.

**Sec. 211.** RCW 7.68.070 and 2011 c 346 s 401 are each amended to read as follows:

The eligibility for benefits under this chapter and the amount thereof will be governed insofar as is applicable by the provisions contained in this chapter.

(1) Each victim injured as a result of a criminal act, including criminal acts committed between July 1, 1981, and January 1, 1983, or the victim's family or beneficiary in case of death of the victim, are eligible for benefits in accordance with this chapter, subject to the limitations under RCW 7.68.015. No more than fifty thousand dollars shall be paid in total per claim, of which nonmedical benefits shall
not exceed forty thousand dollars of the entire claim. Benefits may include a combination of burial expenses, financial support for lost wages, and medical expenses.

(a) Benefits payable for temporary total disability that results in financial support for lost wages shall not exceed fifteen thousand dollars.

(b) Benefits payable for a permanent total disability or fatality that results in financial support for lost wages shall not exceed forty thousand dollars. After at least twelve monthly payments have been paid, the attorney general shall have the sole discretion to make a final lump sum payment of the balance remaining.

(c) Benefits for disposition of remains or burial expenses shall not exceed five thousand seven hundred fifty dollars per claim.

(2) If the victim was not gainfully employed at the time of the criminal act, no financial support for lost wages will be paid to the victim or any beneficiaries.

(3) No victim or beneficiary shall receive compensation for or during the day on which the injury was received.

(4) If a victim's employer continues to pay the victim's wages that he or she was earning at the time of the crime, the victim shall not receive any financial support for lost wages.

(5) When the attorney general determines that a temporary total disability results in a loss of wages, the victim shall receive monthly subject to subsection (1) of this section, during the period of disability, sixty percent of the victim's monthly wage but no more than one hundred percent of the state's average monthly wage as defined in RCW 7.68.020. The minimum monthly payment shall be no less than five hundred dollars. Monthly wages shall be based upon employer wage statements, employment security records, or documents reported to and certified by the internal revenue service. Monthly wages must be determined using the actual documented monthly wage or averaging the total wages earned for up to twelve successive calendar months preceding the injury. In cases where the victim's wages and hours are fixed, they shall be determined by multiplying the daily wage the victim was receiving at the time of the injury:

(a) By five, if the victim was normally employed one day a week;

(b) By nine, if the victim was normally employed two days a week;
(c) By thirteen, if the victim was normally employed three days a week;

(d) By eighteen, if the victim was normally employed four days a week;

(e) By twenty-two, if the victim was normally employed five days a week;

(f) By twenty-six, if the victim was normally employed six days a week; or

(g) By thirty, if the victim was normally employed seven days a week.

(6) When the \((\text{director})\) attorney general determines that a permanent total disability or death results in a loss of wages, the victim or eligible spouse shall receive the monthly payments established in this subsection, not to exceed forty thousand dollars or the limits established in this chapter.

(7) If the \((\text{director})\) attorney general determines that the victim is voluntarily retired and is no longer attached to the workforce, benefits shall not be paid under this section.

(8) In the case of death, if there is no eligible spouse, benefits shall be paid to the child or children of the deceased victim. If there is no spouse or children, no payments shall be made under this section. If the spouse remarries before this benefit is paid in full benefits shall be paid to the victim's child or children and the spouse shall not receive further payment. If there is no child or children no further payments will be made.

(9) The benefits for disposition of remains or burial expenses shall not exceed five thousand seven hundred fifty dollars per claim and to receive reimbursement for expenses related to the disposition of remains or burial, the \((\text{department})\) attorney general must receive an itemized statement from a provider of services within twelve months of the date upon which the death of the victim is officially recognized as a homicide. If there is a delay in the recovery of remains or the release of remains for disposition or burial, an itemized statement from a provider of services must be received within twelve months of the date of the release of the remains.

(10) Any person who is responsible for the victim's injuries, or who would otherwise be unjustly enriched as a result of the victim's injuries, shall not be a beneficiary under this chapter.
Crime victims' compensation is not available to pay for services covered under chapter 74.09 RCW or Title XIX of the federal social security act.

A victim whose crime occurred in another state who qualifies for benefits under RCW 7.68.060(6) may receive appropriate mental health counseling to address distress arising from participation in the civil commitment proceedings. Fees for counseling shall be determined by the (attorney general) in accordance with RCW 51.04.030, subject to the limitations of RCW 7.68.080.

If the provisions of this title relative to compensation for injuries to or death of victims become invalid because of any adjudication, or are repealed, the period intervening between the occurrence of an injury or death, not previously compensated for under this title by lump payment or completed monthly payments, and such repeal or the rendition of the final adjudication of invalidity shall not be computed as a part of the time limited by law for the commencement of any action relating to such injury or death.

The benefits established in RCW 51.32.080 for permanent partial disability will not be provided to any crime victim or for any claim submitted on or after July 1, 2011.

Sec. 212. RCW 7.68.071 and 2011 c 346 s 403 are each amended to read as follows:

Benefits for permanent total disability shall be determined under the (attorney general's) supervision, only after the injured victim's condition becomes fixed.

All determinations of permanent total disabilities shall be made by the (attorney general). The victim may make a request or the inquiry may be initiated by the (attorney general). Determinations shall be required in every instance where permanent total disability is likely to be present.

A request for determination of permanent total disability shall be examined by the (attorney general, and the (attorney general) shall issue an order in accordance with RCW 51.52.050.

Sec. 213. RCW 7.68.072 and 2011 c 346 s 404 are each amended to read as follows:
(1) If aggravation, diminution, or termination of disability takes place, the (director) attorney general may, upon the application of the beneficiary, made within seven years from the date the first closing order becomes final, or at any time upon his or her own motion, readjust the rate of compensation in accordance with the rules in this section provided for the same, or in a proper case terminate the payment. The (director) attorney general may, upon application of the victim made at any time, provide proper and necessary medical and surgical services as authorized under RCW 7.68.095.

(2) "Closing order" as used in this section means an order based on factors which include medical recommendation, advice, examination, or the maximum benefit has been met.

Sec. 214. RCW 7.68.073 and 2011 c 346 s 405 are each amended to read as follows:

(1) For persons receiving compensation for temporary total disability pursuant to the provisions of this chapter, such compensation shall be reduced by an amount equal to the benefits payable under the federal old-age, survivors, and disability insurance act as now or hereafter amended not to exceed the amount of the reduction established pursuant to 42 U.S.C. Sec. 424a. However, such reduction shall not apply when the combined compensation provided pursuant to this chapter and the federal old-age, survivors, and disability insurance act is less than the total benefits to which the federal reduction would apply, pursuant to 42 U.S.C. 424a. Where any person described in this section refuses to authorize the release of information concerning the amount of benefits payable under said federal act the (department's) attorney general's estimate of said amount shall be deemed to be correct unless and until the actual amount is established and no adjustment shall be made for any period of time covered by any such refusal.

(2) Any reduction under subsection (1) of this section shall be effective the month following the month in which the (department) attorney general is notified by the federal social security administration that the person is receiving disability benefits under the federal old-age, survivors, and disability insurance act. In the event of an overpayment of benefits, the (department) attorney general may not recover more than the overpayments for the six months
immediately preceding the date on which the ((department)) attorney general notifies the victim that an overpayment has occurred. Upon determining that there has been an overpayment, the ((department)) attorney general shall immediately notify the person who received the overpayment that he or she shall be required to make repayment pursuant to this section and RCW 7.68.126.

(3) Recovery of any overpayment must be taken from future temporary or permanent total disability benefits or permanent partial disability benefits provided by this chapter. In the case of temporary or permanent total disability benefits, the recovery shall not exceed twenty-five percent of the monthly amount due from the ((department)) attorney general or one-sixth of the total overpayment, whichever is the lesser.

(4) No reduction may be made unless the victim receives notice of the reduction prior to the month in which the reduction is made.

(5) In no event shall the reduction reduce total benefits to less than the greater amount the victim may be eligible under this chapter or the federal old-age, survivors, and disability insurance act.

(6) The ((director)) attorney general, pursuant to rules adopted in accordance with the procedures provided in the administrative procedure act, chapter 34.05 RCW, may exercise his or her discretion to waive, in whole or in part, the amount of any overpayment where the recovery would be against equity and good conscience.

(7) Subsection (1) of this section applies to:

(a) Victims under the age of sixty-two whose effective entitlement to total disability compensation begins before January 2, 1983;

(b) Victims under the age of sixty-five whose effective entitlement to total disability compensation begins after January 1, 1983; and

(c) Victims who will become sixty-five years of age on or after June 10, 2004.

(8)(a) If the federal social security administration makes a retroactive reduction in the federal social security disability benefit entitlement of a victim for periods of temporary total, temporary partial, or total permanent disability for which the ((department)) attorney general also reduced the victim's benefit amounts under this section, the ((department)) attorney general shall make adjustments in the calculation of benefits and pay the additional benefits to the victim as appropriate. However, the ((department)) attorney general
shall not make changes in the calculation or pay additional benefits
unless the victim submits a written request, along with documentation
satisfactory to the ((director)) attorney general of an overpayment
assessment by the social security administration, to the ((department))
attorney general.

   (b) Additional benefits paid under this subsection:
(i) Are paid without interest and without regard to whether the
victim's claim under this chapter is closed; and
(ii) Do not affect the status or the date of the claim's closure.
(c) This subsection does not apply to requests on claims for which
a determination on the request has been made and is not subject to
further appeal.

Sec. 215. RCW 7.68.075 and 2011 c 346 s 207 are each amended to
read as follows:
Under this chapter, the marital status of all victims shall be
depicted as of the date of the criminal act. All references
to the child or children living or conceived of the victim in this
chapter shall be deemed to refer to such child or children as of the
date of the criminal act unless the context clearly indicates the
contrary.

Payments for or on account of any such child or children shall
cease when such child is no longer a "child" or on the death of any
such child whichever occurs first.

Payments to the victim or surviving spouse for or on account of any
such child or children shall be made only when the victim or surviving
spouse has legal custody of any such child or children. Where the
victim or surviving spouse does not have such legal custody any
payments for or on account of any such child or children shall be made
to the person having legal custody of such child or children and the
amount of payments shall be subtracted from the payments which would
have been due the victim or surviving spouse had legal custody not been
transferred to another person. It shall be the duty of any person or
persons receiving payments because of legal custody of any child to
immediately notify the ((department)) attorney general of any change in
such legal custody.
Sec. 216. RCW 7.68.076 and 2011 c 346 s 407 are each amended to read as follows:

A beneficiary shall at all times furnish the attorney general with proof satisfactory to the attorney general of the nature, amount, and extent of the contribution made by the deceased victim.

Sec. 217. RCW 7.68.077 and 2011 c 346 s 306 are each amended to read as follows:

Except as otherwise provided by treaty or this chapter, whenever compensation is payable to a beneficiary who is an alien not residing in the United States, the attorney general shall pay the compensation to which a resident beneficiary is eligible under this chapter. But if a nonresident alien beneficiary is a citizen of a government having a compensation law which excludes citizens of the United States, either resident or nonresident, from partaking of the benefit of such law in as favorable a degree as herein extended to nonresident aliens, he or she shall receive no compensation. No payment shall be made to any beneficiary residing in any country with which the United States does not maintain diplomatic relations when such payment is due.

Sec. 218. RCW 7.68.080 and 2011 1st sp.s. c 15 s 69 and 2011 c 346 s 501 are each reenacted and amended to read as follows:

1. When the injury to any victim is so serious as to require the victim's being taken from the place of injury to a place of treatment, reasonable transportation costs to the nearest place of proper treatment shall be reimbursed by the attorney general as part of the victim's total claim under RCW 7.68.070(1).

2. In the case of alleged rape or molestation of a child, the reasonable costs of a colposcopy examination shall be reimbursed by the attorney general. Costs for a colposcopy examination given under this subsection shall not be included as part of the victim's total claim under RCW 7.68.070(1).

3. The attorney general shall adopt rules for fees and charges for hospital, clinic, medical, and other health care services, including fees and costs for durable medical equipment, eye glasses, hearing aids, and other medically necessary devices for crime.
victims under this chapter. The attorney general shall set these service levels and fees at a level no lower than those established by the health care authority under Title 74 RCW. In establishing fees for medical and other health care services, the attorney general shall consider the attorney general's duty to purchase health care in a prudent, cost-effective manner. The attorney general shall establish rules adopted in accordance with chapter 34.05 RCW. Nothing in this chapter may be construed to require the payment of interest on any billing, fee, or charge.

(4) Whenever the attorney general deems it necessary in order to resolve any medical issue, a victim shall submit to examination by a physician or physicians selected by the attorney general, with the rendition of a report to the person ordering the examination. The attorney general shall provide the physician performing an examination with all relevant medical records from the victim's claim file. The attorney general, in his or her discretion, may charge the cost of such examination or examinations to the crime victims' compensation fund. If the examination is paid for by the victim, then the cost of said examination shall be reimbursed to the victim for reasonable costs connected with the examination as part of the victim's total claim under RCW 7.68.070(1).

(5) Victims of sexual assault are eligible to receive appropriate counseling. Fees for such counseling shall be determined by the attorney general. Counseling services may include, if determined appropriate by the attorney general, counseling of members of the victim's immediate family, other than the perpetrator of the assault.

(6) Immediate family members of a homicide victim may receive appropriate counseling to assist in dealing with the immediate, near-term consequences of the related effects of the homicide. Up to twelve counseling sessions may be received for one year after the crime victim's claim has been allowed. Fees for counseling shall be determined by the attorney general in accordance with and subject to this section. Payment of counseling benefits under this section may not be provided to the perpetrator of the homicide.
benefits under this subsection may be provided only with respect to homicides committed on or after July 1, 1992.

(7) Pursuant to RCW 7.68.070(12), a victim of a sex offense that occurred outside of Washington may be eligible to receive mental health counseling related to participation in proceedings to civilly commit a perpetrator.

(8) The crime victims' compensation program shall consider payment of benefits solely for the effects of the criminal act.

(9) The legislature finds and declares it to be in the public interest of the state of Washington that a proper regulatory and inspection program be instituted in connection with the provision of any services provided to crime victims pursuant to this chapter. In order to effectively accomplish such purpose and to assure that the victim receives such services as are paid for by the state of Washington, the acceptance by the victim of such services, and the request by a provider of services for reimbursement for providing such services, shall authorize the attorney general or the attorney general's authorized representative to inspect and audit all records in connection with the provision of such services. In the conduct of such audits or investigations, the attorney general or the attorney general's authorized representatives may:

   (a) Examine all records, or portions thereof, including patient records, for which services were rendered by a health care provider and reimbursed by the attorney general, notwithstanding the provisions of any other statute which may make or purport to make such records privileged or confidential, except that no original patient records shall be removed from the premises of the health care provider, and that the disclosure of any records or information obtained under authority of this section by the attorney general is prohibited and constitutes a violation of RCW 42.52.050, unless such disclosure is directly connected to the official duties of the attorney general. The disclosure of patient information as required under this section shall not subject any physician, licensed advanced registered nurse practitioner, or other health care provider to any liability for breach of any confidential relationships between the provider and the patient. The attorney general or the attorney general's authorized
representative shall destroy all copies of patient medical records in
(t)his or her possession upon completion of the audit, investigation, or proceedings;

(b) Approve or deny applications to participate as a provider of services furnished to crime victims pursuant to this title;

(c) Terminate or suspend eligibility to participate as a provider of services furnished to victims pursuant to this title; and

(d) Pursue collection of unpaid overpayments and/or penalties plus interest accrued from health care providers pursuant to RCW 51.32.240(6).

(10) When contracting for health care services and equipment, the attorney general, upon request of a contractor, shall keep confidential financial and valuable trade information, which shall be exempt from public inspection and copying under chapter 42.56 RCW.

Sec. 219. RCW 7.68.085 and 2011 c 346 s 502 are each amended to read as follows:

(1) This section has no force or effect from April 1, 2010, until July 1, 2015.

(2) The attorney general shall institute a cap on medical benefits of one hundred fifty thousand dollars per injury or death.

For the purposes of this section, an individual will not be required to use his or her assets other than funds recovered as a result of a civil action or criminal restitution, for medical expenses or pain and suffering, in order to qualify for an alternative source of payment.

The director of labor and industries shall, in cooperation with the department of social and health services, establish by October 1, 1989, a process to aid crime victims in identifying and applying for appropriate alternative benefit programs, if any, administered by the department of social and health services.

Sec. 220. RCW 7.68.085 and 2011 c 346 s 502 are each amended to read as follows:

The attorney general shall institute a cap on medical benefits of one hundred fifty thousand dollars per injury or death.
For the purposes of this section, an individual will not be required to use his or her assets other than funds recovered as a result of a civil action or criminal restitution, for medical expenses or pain and suffering, in order to qualify for an alternative source of payment.

The director of labor and industries shall, in cooperation with the department of social and health services, establish by October 1, 1989, a process to aid crime victims in identifying and applying for appropriate alternative benefit programs, if any, administered by the department of social and health services.

Sec. 221. RCW 7.68.093 and 2011 c 346 s 505 are each amended to read as follows:

The (department) attorney general shall examine the credentials of persons conducting special medical examinations and shall monitor the quality and objectivity of examinations and reports. The (department) attorney general shall adopt rules to ensure that examinations are performed only by qualified persons meeting (department) attorney general standards.

Sec. 222. RCW 7.68.094 and 2011 c 346 s 506 are each amended to read as follows:

(1) Any victim eligible to receive any benefits or claiming such under this title shall, if requested by the (department) attorney general submit himself or herself for medical examination, at a time and from time to time, at a place reasonably convenient for the victim as may be provided by the rules of the (department) attorney general. An injured victim, whether an alien or other injured victim, who is not residing in the United States at the time that a medical examination is requested may be required to submit to an examination at any location in the United States determined by the (department) attorney general.

(2) If the victim refuses to submit to medical examination, or obstructs the same, or, if any injured victim shall persist in unsanitary or injurious practices which tend to imperil or retard his or her recovery, or shall refuse to submit to such medical or surgical treatment as is reasonably essential to his or her recovery does not cooperate in reasonable efforts at such rehabilitation, the (department) attorney general may suspend any further action on any
claim of such victim so long as such refusal, obstruction, noncooperation, or practice continues and thus, the ((department)) attorney general may reduce, suspend, or deny any compensation for such period. The ((department)) attorney general may not suspend any further action on any claim of a victim or reduce, suspend, or deny any compensation if a victim has good cause for refusing to submit to or to obstruct any examination, evaluation, treatment, or practice requested by the ((department)) attorney general or required under this section.

(3) If the victim necessarily incurs traveling expenses in attending the examination pursuant to the request of the ((department)) attorney general, such traveling expenses shall be repaid to him or her upon proper voucher and audit.

(4) If the medical examination required by this section causes the victim to be absent from his or her work without pay, the victim shall be paid compensation in an amount equal to his or her usual wages for the time lost from work while attending the medical examination when the victim is insured by the ((department)) attorney general.

Sec. 223. RCW 7.68.095 and 2011 c 346 s 507 are each amended to read as follows:

Upon the occurrence of any injury to a victim eligible for compensation under the provisions of this chapter, he or she shall receive proper and necessary medical and surgical services using his or her private or public insurance or if no insurance, using a provider of his or her own choice. In all accepted claims, treatment shall be limited in point of duration as follows:

(1) No treatment shall be provided once the victim has received the maximum compensation under this chapter.

(2) In case of temporary disability, treatment shall not extend beyond the time when monthly allowances to him or her shall cease. After any injured victim has returned to his or her work, his or her medical and surgical treatment may be continued if, and so long as, such continuation is determined by the ((director)) attorney general to be necessary to his or her recovery, and as long as the victim has not received the maximum compensation under this chapter.

Sec. 224. RCW 7.68.096 and 2011 c 346 s 508 are each amended to read as follows:
Any medical provider who fails, neglects, or refuses to file a report with the attorney general, as required by this chapter, within five days of the date of treatment, showing the condition of the injured victim at the time of treatment, a description of the treatment given, and an estimate of the probable duration of the injury, or who fails or refuses to render all necessary assistance to the injured victim, as required by this chapter, shall be subject to a civil penalty determined by the attorney general but not to exceed two hundred fifty dollars. The amount shall be paid into the crime victims' compensation account.

Sec. 225. RCW 7.68.101 and 2011 c 346 s 307 are each amended to read as follows:

Physicians or licensed advanced registered nurse practitioners examining or attending injured victims under this chapter shall comply with rules adopted by the attorney general, and shall make such reports as may be requested by the attorney general upon the condition or treatment of any such victim, or upon any other matters concerning such victims in their care. Except under RCW 49.17.210 and 49.17.250, all medical information in the possession or control of any person and relevant to the particular injury in the opinion of the attorney general pertaining to any victim whose injury is the basis of a claim under this chapter shall be made available at any stage of the proceedings to the claimant's representative and the attorney general upon request, and no person shall incur any legal liability by reason of releasing such information.

Sec. 226. RCW 7.68.111 and 2011 c 346 s 601 are each amended to read as follows:

(1)(a) If the victim or beneficiary in a claim prevails in an appeal by any party to the attorney general or the court, the attorney general shall comply with the attorney general's or court's order with respect to the payment of compensation within the later of the following time periods:

(i) Sixty days after the compensation order has become final and is not subject to review or appeal; or
(ii) If the order has become final and is not subject to review or appeal and the attorney general has, within the period specified in (a)(i) of this subsection, requested the filing by the victim or beneficiary of documents necessary to make payment of compensation, sixty days after all requested documents are filed with the attorney general.

The attorney general may extend the sixty-day time period for an additional thirty days for good cause.

(b) If the attorney general fails to comply with (a) of this subsection, any person eligible for compensation under the order may institute proceedings for injunctive or other appropriate relief for enforcement of the order. These proceedings may be instituted in the superior court for the county in which the claimant resides, or, if the claimant is not then a resident of this state, in the superior court for Thurston county.

(2) In a proceeding under this section, the court shall enforce obedience to the order by proper means, enjoining compliance upon the person obligated to comply with the compensation order. The court may issue such writs and processes as are necessary to carry out its orders and may award a penalty of up to one thousand dollars to the person eligible for compensation under the order.

(3) A proceeding under this section does not preclude other methods of enforcement provided for in this chapter.

Sec. 227. RCW 7.68.120 and 1995 c 33 s 1 are each amended to read as follows:

Any person who has committed a criminal act which resulted in injury compensated under this chapter may be required to make reimbursement to the attorney general as provided in this section.

(1) Any payment of benefits to or on behalf of a victim under this chapter creates a debt due and owing to the attorney general by any person found to have committed the criminal act in either a civil or criminal court proceeding in which he or she is a party. If there has been a superior or district court order, or an order of the indeterminate sentence review board or the department of social and health services, as provided in subsection (4) of this section, the debt shall be limited to the amount provided for in the
order. A court order shall prevail over any other order. If, in a
criminal proceeding, a person has been found to have committed the
criminal act that results in the payment of benefits to a victim and
the court in the criminal proceeding does not enter a restitution
order, the ((department)) attorney general shall, within one year of
imposition of the sentence, petition the court for entry of a
restitution order.

(2)(a) The ((department)) attorney general may issue a notice of
debt due and owing to the person found to have committed the criminal
act, and shall serve the notice on the person in the manner prescribed
for the service of a summons in a civil action or by certified mail.
The ((department)) attorney general shall file the notice of debt due
and owing along with proof of service with the superior court of the
county where the criminal act took place. The person served the notice
shall have thirty days from the date of service to respond to the
notice by requesting a hearing in superior court.

(b) If a person served a notice of debt due and owing fails to
respond within thirty days, the ((department)) attorney general may
seek a default judgment. Upon entry of a judgment in an action brought
pursuant to (a) of this subsection, the clerk shall enter the order in
the execution docket. The filing fee shall be added to the amount of
the debt indicated in the judgment. The judgment shall become a lien
upon all real and personal property of the person named in the judgment
as in other civil cases. The judgment shall be subject to execution,
garnishment, or other procedures for collection of a judgment.

(3)(a) The ((director)) attorney general, or the ((director's))
attorney general's designee, may issue to any person or organization an
order to withhold and deliver property of any kind if there is reason
to believe that the person or organization possesses property that is
due, owing, or belonging to any person against whom a judgment for a
debt due and owing has been entered under subsection (2) of this
section. For purposes of this subsection, "person or organization"
includes any individual, firm, association, corporation, political
subdivision of the state, or agency of the state.

(b) The order to withhold and deliver must be served in the manner
prescribed for the service of a summons in a civil action or by
certified mail, return receipt requested. Any person or organization
upon whom service has been made shall answer the order within twenty
days exclusive of the day of service, under oath and in writing, and
shall make true answers to the matters inquired of therein.

(c) If there is in the possession of the person or organization
served with the order any property that might be subject to the claim
of the ((department)) attorney general, the person or organization must
immediately withhold such property and deliver the property to the
((director)) attorney general or the ((director's)) attorney general's
authorized representative immediately upon demand.

(d) If the person or organization served the order fails to timely
answer the order, the court may render judgment by default against the
person or organization for the full amount claimed by the ((director))
attorney general in the order plus costs.

(e) If an order to withhold and deliver is served upon an employer
and the property found to be subject to the notice is wages, the
employer may assert in the answer all exemptions to which the wage
earner might be entitled as provided by RCW 6.27.150.

(4) Upon being placed on work release pursuant to chapter 72.65
RCW, or upon release from custody of a state correctional facility on
parole, any convicted person who owes a debt to the ((department))
attorney general as a consequence of a criminal act may have the
schedule or amount of payments therefor set as a condition of work
release or parole by the department of social and health services or
indeterminate sentence review board respectively, subject to
modification based on change of circumstances. Such action shall be
binding on the ((department)) attorney general.

(5) Any requirement for payment due and owing the ((department))
attorney general by a convicted person under this chapter may be
waived, modified downward or otherwise adjusted by the ((department))
attorney general in the interest of justice, the well-being of the
victim, and the rehabilitation of the individual.

(6) The ((department)) attorney general shall not seek payment for
a debt due and owing if such action would deprive the victim of the
crime giving rise to the claim under this chapter of the benefit of any
property to which the victim would be entitled under RCW 26.16.030.

Sec. 228. RCW 7.68.125 and 2011 c 346 s 701 are each amended to
read as follows:
(1)(a) Whenever any payment of benefits under this chapter is made because of clerical error, mistake of identity, innocent misrepresentation by or on behalf of the recipient thereof mistakenly acted upon, or any other circumstance of a similar nature, all not induced by willful misrepresentation, the recipient thereof shall repay it and recoupment may be made from any future payments due to the recipient on any claim with the crime victims' compensation program. The attorney general must make claim for such repayment or recoupment within one year of the making of any such payment or it will be deemed any claim therefor has been waived.

(b) Except as provided in subsections (3) and (4) of this section, the attorney general may only assess an overpayment of benefits because of adjudicator error when the order upon which the overpayment is based is not yet final as provided in RCW 51.52.050 and 51.52.060. "Adjudicator error" includes the failure to consider information in the claim file, failure to secure adequate information, or an error in judgment.

(c) The attorney general, pursuant to rules adopted in accordance with the procedures provided in the administrative procedure act, chapter 34.05 RCW, may exercise his or her discretion to waive, in whole or in part, the amount of any such timely claim where the recovery would be against equity and good conscience.

(2) Whenever the attorney general fails to pay benefits because of clerical error, mistake of identity, or innocent misrepresentation, all not induced by recipient willful misrepresentation, the recipient may request an adjustment of benefits to be paid from the crime victims' compensation programs subject to the following:

(a) The recipient must request an adjustment in benefits within one year from the date of the incorrect payment or it will be deemed any claim therefore has been waived.

(b) The recipient may not seek an adjustment of benefits because of adjudicator error. Adjustments due to adjudicator error are addressed by the filing of a written request for reconsideration with the attorney general or an appeal with the attorney general within ninety days from the date the order is communicated as provided in RCW 51.52.050. "Adjudicator error"
includes the failure to consider information in the claim file, failure
to secure adequate information, or an error in judgment.

(3) Whenever any payment of benefits under this chapter has been
made pursuant to an adjudication by the attorney general
or by order of any court and timely appeal therefrom has been made
where the final decision is that any such payment was made pursuant to
an erroneous adjudication, the recipient thereof shall repay it and
recoupment may be made from any future payments due to the recipient on
any claim.

(a) The attorney general, pursuant to rules adopted in
accordance with the procedures provided in the administrative procedure
act, chapter 34.05 RCW, may exercise discretion to waive, in whole or
in part, the amount of any such payments where the recovery would be
against equity and good conscience.

(b) The attorney general shall first attempt
recovery of overpayments for health services from any entity that
provided health insurance to the victim to the extent that the health
insurance entity would have provided health insurance benefits.

(4)(a) Whenever any payment of benefits under this chapter has been
induced by willful misrepresentation the recipient thereof shall repay
any such payment together with a penalty of fifty percent of the total
of any such payments and the amount of such total sum may be recouped
from any future payments due to the recipient on any claim with the
crime victims' compensation program against whom the willful
misrepresentation was committed and the amount of such penalty shall be
placed in the crime victims' compensation fund. Such repayment or
recoupment must be demanded or ordered within three years of the
discovery of the willful misrepresentation.

(b) For purposes of this subsection (4), it is willful
misrepresentation for a person to obtain payments or other benefits
under this chapter in an amount greater than that to which the person
otherwise would be entitled. Willful misrepresentation includes:

(i) Willful false statement; or

(ii) Willful misrepresentation, omission, or concealment of any
material fact.

(c) For purposes of this subsection (4), "willful" means a
conscious or deliberate false statement, misrepresentation, omission,
or concealment of a material fact with the specific intent of obtaining, continuing, or increasing benefits under this chapter.

(d) For purposes of this subsection (4), failure to disclose a work-type activity must be willful in order for a misrepresentation to have occurred.

(e) For purposes of this subsection (4), a material fact is one which would result in additional, increased, or continued benefits, including but not limited to facts about physical restrictions, or work-type activities which either result in wages or income or would be reasonably expected to do so. Wages or income include the receipt of any goods or services. For a work-type activity to be reasonably expected to result in wages or income, a pattern of repeated activity must exist. For those activities that would reasonably be expected to result in wages or produce income, but for which actual wage or income information cannot be reasonably determined, the attorney general shall impute wages.

(5) The victim, beneficiary, or other person affected thereby shall have the right to contest an order assessing an overpayment pursuant to this section in the same manner and to the same extent as provided under RCW 51.52.050 and 51.52.060. In the event such an order becomes final under chapter 51.52 RCW and notwithstanding the provisions of subsections (1) through (4) of this section, the attorney general or attorney general's designee may file with the clerk in any county within the state a warrant in the amount of the sum representing the unpaid overpayment and/or penalty plus interest accruing from the date the order became final. The clerk of the county in which the warrant is filed shall immediately designate a superior court cause number for such warrant and the clerk shall cause to be entered in the judgment docket under the superior court cause number assigned to the warrant, the name of the victim, beneficiary, or other person mentioned in the warrant, the amount of the unpaid overpayment and/or penalty plus interest accrued, and the date the warrant was filed. The amount of the warrant as docketed shall become a lien upon the title to and interest in all real and personal property of the victim, beneficiary, or other person against whom the warrant is issued, the same as a judgment in a civil case docketed in the office of such clerk. The sheriff shall then proceed in the same manner and with like effect as prescribed by law with respect to execution or
other process issued against rights or property upon judgment in the superior court. Such warrant so docketed shall be sufficient to support the issuance of writs of garnishment in favor of the attorney general in the manner provided by law in the case of judgment, wholly or partially unsatisfied. The clerk of the court shall be entitled to a filing fee under RCW 36.18.012(10), which shall be added to the amount of the warrant. A copy of such warrant shall be mailed to the victim, beneficiary, or other person within three days of filing with the clerk.

The attorney general or attorney general's designee may issue to any person, firm, corporation, municipal corporation, political subdivision of the state, public corporation, or agency of the state, a notice to withhold and deliver property of any kind if there is reason to believe that there is in the possession of such person, firm, corporation, municipal corporation, political subdivision of the state, public corporation, or agency of the state, property that is due, owing, or belonging to any victim, beneficiary, or other person upon whom a warrant has been served for payments due the attorney general. The notice and order to withhold and deliver shall be served by certified mail accompanied by an affidavit of service by mailing or served by the sheriff of the county, or by the sheriff's deputy, or by any authorized representative of the attorney general or attorney general's designee, or by electronic means or other methods authorized by law. Any person, firm, corporation, municipal corporation, political subdivision of the state, public corporation, or agency of the state upon whom service has been made shall answer the notice within twenty days exclusive of the day of service, under oath and in writing, and shall make true answers to the matters inquired or in the notice and order to withhold and deliver. In the event there is in the possession of the party named and served with such notice and order, any property that may be subject to the claim of the attorney general, such property shall be delivered forthwith to the attorney general or the attorney general's authorized representative upon demand. If the party served and named in the notice and order fails to answer the notice and order within the time prescribed in this section, the court may, after the time to answer such order has expired, render judgment by default against the
party named in the notice for the full amount, plus costs, claimed by the ((director)) attorney general or the ((director's)) attorney general's designee in the notice. In the event that a notice to withhold and deliver is served upon an employer and the property found to be subject thereto is wages, the employer may assert in the answer all exemptions provided for by chapter 6.27 RCW to which the wage earner may be entitled.

This subsection shall only apply to orders assessing an overpayment which are issued on or after July 28, 1991. This subsection shall apply retroactively to all orders assessing an overpayment resulting from willful misrepresentation, civil or criminal.

(6) Orders assessing an overpayment which are issued on or after July 28, 1991, shall include a conspicuous notice of the collection methods available to the ((department)) attorney general.

Sec. 229. RCW 7.68.126 and 2011 c 346 s 702 are each amended to read as follows:

Notwithstanding any other provisions of law, any overpayments previously recovered under the provisions of RCW 7.68.073 as now or hereafter amended shall be limited to six months' overpayments. Where greater recovery has already been made, the ((director)) attorney general, in his or her discretion, may make restitution in those cases where an extraordinary hardship has been created.

Sec. 230. RCW 7.68.130 and 2011 c 346 s 703 are each amended to read as follows:

(1) Benefits payable pursuant to this chapter shall be reduced by the amount of any other public or private insurance available, less a proportionate share of reasonable attorneys' fees and costs, if any, incurred by the victim in obtaining recovery from the insurer. Calculation of a proportionate share of attorneys' fees and costs shall be made under the formula established in RCW 7.68.050 (9) through (14). The ((department)) attorney general or the victim may require court approval of costs and attorneys' fees or may petition a court for determination of the reasonableness of costs and attorneys' fees.

(2) Benefits payable after 1980 to victims injured or killed before 1980 shall be reduced by any other public or private insurance including but not limited to social security.
(3) Payment by the (department) attorney general under this chapter shall be secondary to other insurance benefits, notwithstanding the provision of any contract or coverage to the contrary. In the case of private life insurance proceeds, the first forty thousand dollars of the proceeds shall not be considered for purposes of any reduction in benefits.

(4) If the (department) attorney general determines that a victim is likely to be eligible for other public insurance or support services, the (department) attorney general may require the applicant to apply for such services before awarding benefits under RCW 7.68.070. If the (department) attorney general determines that a victim shall apply for such services and the victim refuses or does not apply for those services, the (department) attorney general may deny any further benefits under this chapter. The (department) attorney general may require an applicant to provide a copy of their determination of eligibility before providing benefits under this chapter.

(5) Before payment of benefits will be considered victims shall use their private insurance coverage.

(6) For the purposes of this section, the collection methods available under RCW 7.68.125(5) apply.

Sec. 231. RCW 7.68.140 and 1997 c 310 s 1 are each amended to read as follows:

Information contained in the claim files and records of victims, under the provisions of this chapter, shall be deemed confidential and shall not be open to public inspection: PROVIDED, That, except as limited by state or federal statutes or regulations, such information may be provided to public employees in the performance of their official duties: PROVIDED FURTHER, That except as otherwise limited by state or federal statutes, rules, or regulations a claimant or a representative of a claimant, be it an individual or an organization, may review a claim file or receive specific information therefrom upon the presentation of the signed authorization of the claimant: PROVIDED FURTHER, That physicians treating or examining victims claiming benefits under this chapter or physicians giving medical advice to the (department) attorney general regarding any claim may, at the discretion of the (department) attorney general and as not otherwise
limited by state or federal statutes, rules, or regulations, inspect
the claim files and records of such victims, and other persons may,
when rendering assistance to the attorney general at any
stage of the proceedings on any matter pertaining to the administration
of this chapter, inspect the claim files and records of such victims at
the discretion of the attorney general and as not
otherwise limited by state or federal statutes, rules, or regulations.

Sec. 232. RCW 7.68.145 and 1975 1st ex.s. c 176 s 7 are each
amended to read as follows:
Notwithstanding any other provision of law, all law enforcement,
criminal justice, or other governmental agencies, or hospital; any
physician or other practitioner of the healing arts; or any other
organization or person having possession or control of any
investigative or other information pertaining to any alleged criminal
act or victim concerning which a claim for benefits has been filed
under this chapter, shall, upon request, make available to and allow
the reproduction of any such information by the section of the
office of the attorney general administering this
chapter or other public employees in their performance of their
official duties under this chapter.

No person or organization, public or private, shall incur any legal
liability by reason of releasing any such information to the attorney general or the section of the
office of the attorney general that administers this
chapter or other public employees in the performance of their
official duties under this chapter.

Sec. 233. RCW 7.68.150 and 1973 1st ex.s. c 122 s 15 are each
amended to read as follows:
All benefits and payments made, and all administrative costs
accrued, pursuant to this chapter shall be funded and accounted for
separate from the other operations and responsibilities of the
attorney general.

Sec. 234. RCW 7.68.155 and 2010 c 122 s 7 are each amended to read
as follows:
Within current funding levels, the attorney general's crime victims' compensation program shall post on its public website a report that shows the following items:

(a) The total amount of current funding available in the crime victims' compensation fund;

(b) The total amount of funding disbursed to victims in the previous thirty days; and

(c) The total amount paid in overhead and administrative costs in the previous thirty days.

(2) The information listed in subsection (1) of this section must be posted and maintained on the attorney general's website by July 1, 2010, and updated every thirty days thereafter.

Sec. 235. RCW 7.68.160 and 1986 c 158 s 2 are each amended to read as follows:

Any person who has been injured as a result of a "criminal act" as herein defined on or after January 1, 1972, up to July 1, 1974, who would otherwise be eligible for benefits under this chapter, may for a period of ninety days from July 1, 1974, file a claim for benefits with the attorney general on a form provided by the attorney general. The attorney general shall investigate and review such claims, and, within two hundred ten days of July 1, 1974, shall report to the governor its findings and recommendations as to such claims, along with a statement as to what special legislative relief, if any, the attorney general recommends should be provided.

Sec. 236. RCW 7.68.165 and 1975 1st ex.s. c 176 s 10 are each amended to read as follows:

The rights, privileges, responsibilities, duties, limitations and procedures contained in this chapter shall apply to those claims filed pursuant to RCW 7.68.160. In respect to such claims, the attorney general shall proceed in the same manner and with the same authority as provided in this chapter with respect to those claims filed pursuant to RCW 7.68.060 as now or hereafter amended.
Section 237. RCW 7.68.200 and 2011 c 336 s 248 are each amended to read as follows:

After hearing, as provided in RCW 7.68.210, every person, firm, corporation, partnership, association, or other legal entity contracting with any person or the representative or assignee of any person, accused or convicted of a crime in this state, with respect to the reenactment of such crime, by way of a movie, book, magazine article, tape recording, phonograph record, radio or television presentation, live entertainment of any kind, or from the expression of such accused or convicted person's thoughts, feelings, opinion, or emotions regarding such crime, shall submit a copy of such contract to the attorney general and pay over to the attorney general any moneys which would otherwise, by terms of such contract, be owing to the person so accused or convicted or his or her representatives. The attorney general shall deposit such moneys in an escrow account for the benefit of and payable to any victim or the legal representative of any victim of crimes committed by: (1) Such convicted person; or (2) such accused person, but only if such accused person is eventually convicted of the crime and provided that such victim, within five years of the date of the establishment of such escrow account, brings a civil action in a court of competent jurisdiction and recovers a money judgment for damages against such person or his or her representatives.

Section 238. RCW 7.68.210 and 1979 ex.s. c 219 s 12 are each amended to read as follows:

The prosecutor or the attorney general may, at any time after the person's arraignment petition any superior court for an order, following notice and hearing, directing that any contract described in RCW 7.68.200 shall be paid in accordance with RCW 7.68.200 through 7.68.280.

Section 239. RCW 7.68.220 and 1979 ex.s. c 219 s 14 are each amended to read as follows:

The attorney general, at least once every six months for five years from the date it receives such moneys, shall cause to have published a legal notice in newspapers of general circulation in the county wherein the crime was committed and in counties contiguous...
to such county advising such victims that such escrow moneys are
available to satisfy money judgments pursuant to this section. For
crimes committed in a city located within a county having a population
of one million or more, the notice provided for in this section shall
be in newspapers having general circulation in such city. The
attorney general may, in the attorney general's discretion, provide for such additional notice as it deems necessary.

Sec. 240. RCW 7.68.230 and 1979 ex.s. c 219 s 15 are each amended
to read as follows:
Upon dismissal of charges or acquittal of any accused person the
attorney general shall immediately pay over to such accused person the moneys in the escrow account established on behalf
of such accused person.

Sec. 241. RCW 7.68.240 and 2011 c 336 s 249 are each amended to
read as follows:
Upon a showing by any convicted person or the state that five years
have elapsed from the establishment of such escrow account and further
that no actions are pending against such convicted person pursuant to
RCW 7.68.200 through 7.68.280, the attorney general shall immediately pay over fifty percent of any moneys in the escrow
account to such person or his or her legal representatives and fifty
percent of any moneys in the escrow account to the fund under RCW
7.68.035(4).

Sec. 242. RCW 7.68.270 and 1979 ex.s. c 219 s 19 are each amended
to read as follows:
Notwithstanding the foregoing provisions of RCW 7.68.200 through 7.68.280 the attorney general shall make payments from an escrow account to any person accused or convicted
of a crime upon the order of a court of competent jurisdiction after a
showing by such person that such moneys shall be used for the exclusive
purpose of retaining legal representation at any stage of the
proceedings against such person, including the appeals process.

PART 3
Address Confidentiality Program

Sec. 301. RCW 40.24.030 and 2011 c 64 s 2 are each amended to read as follows:

(1)(a) An adult person, a parent or guardian acting on behalf of a minor, or a guardian acting on behalf of an incapacitated person, as defined in RCW 11.88.010, and (b) any criminal justice participant as defined in RCW 9A.46.020 who is a target for threats or harassment prohibited under RCW 9A.46.020(2)(b) (iii) or (iv), and any family members residing with him or her, may apply to the attorney general to have an address designated by the attorney general served as the person's address or the address of the minor or incapacitated person. The attorney general shall approve an application if it is filed in the manner and on the form prescribed by the attorney general and if it contains:

(i) A sworn statement, under penalty of perjury, by the applicant that the applicant has good reason to believe (A) that the applicant, or the minor or incapacitated person on whose behalf the application is made, is a victim of domestic violence, sexual assault, trafficking, or stalking and that the applicant fears for his or her safety or his or her children's safety, or the safety of the minor or incapacitated person on whose behalf the application is made; or (B) that the applicant, as a criminal justice participant as defined in RCW 9A.46.020, is a target for threats or harassment prohibited under RCW 9A.46.020(2)(b) (iii) or (iv);

(ii) If applicable, a sworn statement, under penalty of perjury, by the applicant, that the applicant has reason to believe they are a victim of (A) domestic violence, sexual assault, or stalking perpetrated by an employee of a law enforcement agency, or (B) threats or harassment prohibited under RCW 9A.46.020(2)(b) (iii) or (iv);

(iii) A designation of the attorney general as agent for purposes of service of process and for the purpose of receipt of mail;

(iv) The residential address and any telephone number where the applicant can be contacted by the attorney general, which shall not be disclosed because disclosure will increase...
the risk of (A) domestic violence, sexual assault, trafficking, or stalking, or (B) threats or harassment prohibited under RCW 9A.46.020(2)(b) (iii) or (iv);

(v) The signature of the applicant and of any individual or representative of any office designated in writing under RCW 40.24.080 who assisted in the preparation of the application, and the date on which the applicant signed the application.

(2) Applications shall be filed with the office of the (((secretary of state))) attorney general.

(3) Upon filing a properly completed application, the (((secretary of state))) attorney general shall certify the applicant as a program participant. Applicants shall be certified for four years following the date of filing unless the certification is withdrawn or invalidated before that date. The (((secretary of state))) attorney general shall by rule establish a renewal procedure.

(4) A person who knowingly provides false or incorrect information upon making an application or falsely attests in an application that disclosure of the applicant's address would endanger (a) the applicant's safety or the safety of the applicant's children or the minor or incapacitated person on whose behalf the application is made, or (b) the safety of any criminal justice participant as defined in RCW 9A.46.020 who is a target for threats or harassment prohibited under RCW 9A.46.020(2)(b) (iii) or (iv), or any family members residing with him or her, shall be punished under RCW 40.16.030 or other applicable statutes.

Sec. 302. RCW 40.24.040 and 2008 c 18 s 3 are each amended to read as follows:

(1) If the program participant obtains a legal change of identity, he or she loses certification as a program participant.

(2) The (((secretary of state))) attorney general may cancel a program participant's certification if there is a change in the residential address, unless the program participant provides the (((secretary of state))) attorney general with at least two days' prior notice in writing of the change of address.

(3) The (((secretary of state))) attorney general may cancel certification of a program participant if mail forwarded by the
((secretary)) attorney general to the program participant's address is returned as nondeliverable, refused, or unclaimed.

(4) The ((secretary of state)) attorney general shall cancel certification of a program participant who applies using false information.

Sec. 303. RCW 40.24.050 and 1991 c 23 s 5 are each amended to read as follows:

(1) A program participant may request that state and local agencies use the address designated by the ((secretary of state)) attorney general as his or her address. When creating a new public record, state and local agencies shall accept the address designated by the ((secretary of state)) attorney general as a program participant's substitute address, unless the ((secretary of state)) attorney general has determined that:

(a) The agency has a bona fide statutory or administrative requirement for the use of the address which would otherwise be confidential under this chapter; and

(b) This address will be used only for those statutory and administrative purposes.

(2) A program participant may use the address designated by the ((secretary of state)) attorney general as his or her work address.

(3) The office of the ((secretary of state)) attorney general shall forward all first-class mail to the appropriate program participants.

Sec. 304. RCW 40.24.070 and 2008 c 18 s 5 are each amended to read as follows:

The ((secretary of state)) attorney general may not make any records in a program participant's file available for inspection or copying, other than the address designated by the ((secretary of state)) attorney general, except under the following circumstances:

(1) If requested by a law enforcement agency, to the law enforcement agency; and

(a) The participant's application contains no indication that he or she has been a victim of domestic violence, sexual assault, or stalking perpetrated by a law enforcement employee; and

(b) The request is in accordance with official law enforcement
duties and is in writing on official law enforcement letterhead stationery and signed by the law enforcement agency's chief officer, or his or her designee; or

(2) If directed by a court order, to a person identified in the order; and

(a) The request is made by a nonlaw enforcement agency; or
(b) The participant's file indicates he or she has reason to believe he or she is a victim of domestic violence, sexual assault, or stalking perpetrated by a law enforcement employee.

Sec. 305. RCW 40.24.080 and 2008 c 312 s 4 are each amended to read as follows:

The ((secretary of state)) attorney general shall designate state and local agencies and nonprofit agencies that provide counseling and shelter services to victims of domestic violence, sexual assault, trafficking, or stalking to assist persons applying to be program participants. Any assistance and counseling rendered by the office of the ((secretary of state)) attorney general or its designees to applicants shall in no way be construed as legal advice.

PART 4
PROGRAMS TRANSFERRED FROM THE WASHINGTON ASSOCIATION OF SHERIFFS AND POLICE CHIEFS

Registered Sex Offender and Kidnapping Offender Address and Residency Verification Grant Program

Sec. 401. RCW 36.28A.230 and 2010 c 265 s 3 are each amended to read as follows:

(1) When funded, the ((Washington association of sheriffs and police chiefs)) attorney general shall administer a grant program to local governments for the purpose of verifying the address and residency of sex offenders and kidnapping offenders registered under RCW 9A.44.130 who reside within the county sheriff's jurisdiction. The ((Washington association of sheriffs and police chiefs)) attorney general shall:

(a) Enter into performance-based agreements with local governments to ensure that registered offender address and residency are verified:
For level I offenders, every twelve months;
(ii) For level II offenders, every six months; and
(iii) For level III offenders, every three months;
(b) Collect performance data from all participating jurisdictions sufficient to evaluate the efficiency and effectiveness of the address and residency verification program; and
(c) Submit a report on the effectiveness of the address and residency verification program to the governor and the appropriate committees of the house of representatives and senate by December 31st each year.
(2) The Washington association of sheriffs and police chiefs) attorney general may retain up to three percent of the amounts provided pursuant to this section for the cost of administration. Any funds not disbursed for address and residency verification or retained for administration may be allocated to local prosecutors for the prosecution costs associated with failing to register offenses.
(3) For the purposes of this section, unclassified offenders and kidnapping offenders shall be considered at risk level I unless in the opinion of the local jurisdiction a higher classification is in the interest of public safety.
(4) County sheriffs and police chiefs or town marshals may enter into agreements for the purposes of delegating the authority and obligation to fulfill the requirements of this section.

Sec. 402. RCW 9A.44.135 and 2010 c 265 s 2 are each amended to read as follows:
(1) When an offender registers with the county sheriff pursuant to RCW 9A.44.130, the county sheriff shall notify the police chief or town marshal of the jurisdiction in which the offender has registered to live. If the offender registers to live in an unincorporated area of the county, the sheriff shall make reasonable attempts to verify that the offender is residing at the registered address. If the offender registers to live in an incorporated city or town, the police chief or town marshal shall make reasonable attempts to verify that the offender is residing at the registered address. Reasonable attempts include verifying an offender's address pursuant to the grant program established under RCW 36.28A.230 (as recodified by this act). If the sheriff or police chief or town marshal does not participate in the...
grant program established under RCW 36.28A.230 (as recodified by this act), reasonable attempts require a yearly mailing by certified mail, with return receipt requested, a nonforwardable verification form to the offender at the offender's last registered address sent by the chief law enforcement officer of the jurisdiction where the offender is registered to live. For offenders who have been previously designated sexually violent predators under chapter 71.09 RCW or the equivalent procedure in another jurisdiction, even if the designation has subsequently been removed, this mailing must be sent every ninety days.

The offender must sign the verification form, state on the form whether he or she still resides at the last registered address, and return the form to the chief law enforcement officer of the jurisdiction where the offender is registered to live within ten days after receipt of the form.

(2) The chief law enforcement officer of the jurisdiction where the offender has registered to live shall make reasonable attempts to locate any sex offender who fails to return the verification form or who cannot be located at the registered address.

If the offender fails to return the verification form or the offender is not at the last registered address, the chief law enforcement officer of the jurisdiction where the offender has registered to live shall promptly forward this information to the county sheriff and to the Washington state patrol for inclusion in the central registry of sex offenders.

(3) When an offender notifies the county sheriff of a change to his or her residence address pursuant to RCW 9A.44.130, and the new address is in a different law enforcement jurisdiction, the county sheriff shall notify the police chief or town marshal of the jurisdiction from which the offender has moved.

(4) County sheriffs and police chiefs or town marshals may enter into agreements for the purposes of delegating the authority and obligation to fulfill the requirements of this section.

NEW SECTION. Sec. 403. RCW 36.28A.230 is recodified as a section in chapter 43.10 RCW.

Uniform Crimes Reporting
Sec. 404. RCW 36.28A.030 and 1993 c 127 s 4 are each amended to read as follows:

(1) The (Washington association of sheriffs and police chiefs) attorney general shall establish and maintain a central repository for the collection and classification of information regarding violations of RCW 9A.36.080. Upon establishing such a repository, the (association) attorney general shall develop a procedure to monitor, record, and classify information relating to violations of RCW 9A.36.080 and any other crimes of bigotry or bias apparently directed against other persons because the people committing the crimes perceived that their victims were of a particular race, color, religion, ancestry, national origin, gender, sexual orientation, or had a mental, physical, or sensory handicap.

(2) All local law enforcement agencies shall report monthly to the (association) attorney general concerning all violations of RCW 9A.36.080 and any other crimes of bigotry or bias in such form and in such manner as prescribed by rules adopted by the (association) attorney general. Agency participation in the (association's) attorney general's reporting programs, with regard to the specific data requirements associated with violations of RCW 9A.36.080 and any other crimes of bigotry or bias, shall be deemed to meet agency reporting requirements. The (association) attorney general must summarize the information received and file an annual report with the governor and the senate law and justice committee and the house of representatives judiciary committee.

(3) The (association) attorney general shall disseminate the information according to the provisions of chapters 10.97 and 10.98 RCW, and all other confidentiality requirements imposed by federal or Washington law.

Missing Persons Web Site

Sec. 405. RCW 36.28A.110 and 2007 c 10 s 3 are each amended to read as follows:

The (Washington association of sheriffs and police chiefs) attorney general shall create and maintain a statewide web site, which shall be available to the public. The web site shall post relevant information concerning persons reported missing in the state of
Washington. For missing persons, the web site shall contain, but is
not limited to: The person's name, physical description, photograph,
and other information that is deemed necessary according to the adopted
protocols. This web site shall allow citizens to more broadly
disseminate information regarding missing persons for at least thirty
days.

Sec. 406. RCW 36.28A.120 and 2007 c 10 s 4 are each amended to
read as follows:
The Washington state patrol shall establish an interface with local
law enforcement and the (Washington association of sheriffs and police
chiefs) attorney general's missing persons web site, the toll-free
twenty-four hour hotline, and national and other statewide missing
persons systems or clearinghouses.

Local law enforcement agencies shall file an official missing
persons report and enter biographical information into the state
missing persons computerized network without delay after notification
of a missing person's report is received under this chapter.

NEW SECTION. Sec. 407. RCW 36.28A.030, 36.28A.110, and 36.28A.120
are each recodified as sections in chapter 43.10 RCW.

Jail Booking and Reporting System

Sec. 408. RCW 36.28A.040 and 2010 c 266 s 1 are each amended to
read as follows:
(1) (No later than July 1, 2002, the Washington association of
sheriffs and police chiefs) The attorney general shall implement and
operate an electronic statewide city and county jail booking and
reporting system. The system shall serve as a central repository and
instant information source for offender information and jail
statistical data. The system may be placed on the Washington state
justice information network and be capable of communicating
electronically with every Washington state city and county jail and
with all other Washington state criminal justice agencies as defined in
RCW 10.97.030.

(2) After the (Washington association of sheriffs and police
chiefs) attorney general has implemented an electronic jail booking
system as described in subsection (1) of this section, if a city or county jail or law enforcement agency receives state or federal funding to cover the entire cost of implementing or reconfiguring an electronic jail booking system, the city or county jail or law enforcement agency shall implement or reconfigure an electronic jail booking system that is in compliance with the jail booking system standards developed pursuant to subsection (4) of this section.

(3) After the ((Washington association of sheriffs and police chiefs)) attorney general has implemented an electronic jail booking system as described in subsection (1) of this section, city or county jails, or law enforcement agencies that operate electronic jail booking systems, but choose not to accept state or federal money to implement or reconfigure electronic jail booking systems, shall electronically forward jail booking information to the ((Washington association of sheriffs and police chiefs)) attorney general. At a minimum the information forwarded shall include the name of the offender, vital statistics, the date the offender was arrested, the offenses arrested for, the date and time an offender is released or transferred from a city or county jail, and if available, the mug shot. The electronic format in which the information is sent shall be at the discretion of the city or county jail, or law enforcement agency forwarding the information. City and county jails or law enforcement agencies that forward jail booking information under this subsection are not required to comply with the standards developed under subsection (4)(b) of this section.

(4) The ((Washington association of sheriffs and police chiefs)) attorney general shall appoint, convene, and manage a statewide jail booking and reporting system standards committee. The committee shall include representatives from the Washington association of sheriffs and police chiefs correction committee, the information service board's justice information committee, the judicial information system, at least two individuals who serve as jailers in a city or county jail, and other individuals that the ((Washington association of sheriffs and police chiefs)) attorney general places on the committee. The committee shall have the authority to:

(a) Develop and amend as needed standards for the statewide jail booking and reporting system and for the information that must be contained within the system. At a minimum, the system shall contain:
(i) The offenses the individual has been charged with;
(ii) Descriptive and personal information about each offender booked into a city or county jail. At a minimum, this information shall contain the offender's name, vital statistics, address, and mugshot;
(iii) Information about the offender while in jail, which could be used to protect criminal justice officials that have future contact with the offender, such as medical conditions, acts of violence, and other behavior problems;
(iv) Statistical data indicating the current capacity of each jail and the quantity and category of offenses charged;
(v) The ability to communicate directly and immediately with the city and county jails and other criminal justice entities; and
(vi) The date and time that an offender was released or transferred from a local jail;
(b) Develop and amend as needed operational standards for city and county jail booking systems, which at a minimum shall include the type of information collected and transmitted, and the technical requirements needed for the city and county jail booking system to communicate with the statewide jail booking and reporting system;
(c) Develop and amend as needed standards for allocating grants to city and county jails or law enforcement agencies that will be implementing or reconfiguring electronic jail booking systems.
(5)(a) A statewide automated victim information and notification system shall be added to the city and county jail booking and reporting system. The system shall:
(i) Automatically notify a registered victim via the victim's choice of telephone, letter, or e-mail when any of the following events affect an offender housed in any Washington state city or county jail or department of corrections facility:
(A) Is transferred or assigned to another facility;
(B) Is transferred to the custody of another agency outside the state;
(C) Is given a different security classification;
(D) Is released on temporary leave or otherwise;
(E) Is discharged;
(F) Has escaped; or
(G) Has been served with a protective order that was requested by
the victim;

(ii) Automatically notify a registered victim via the victim's
choice of telephone, letter, or e-mail when an offender has:

(A) An upcoming court event where the victim is entitled to be
present, if the court information is made available to the statewide
automated victim information and notification system administrator at
the Washington association of sheriffs and police chiefs;

(B) An upcoming parole, pardon, or community supervision hearing;
or

(C) A change in the offender's parole, probation, or community
supervision status including:

(I) A change in the offender's supervision status; or

(II) A change in the offender's address;

(iii) Automatically notify a registered victim via the victim's
choice of telephone, letter, or e-mail when a sex offender has:

(A) Updated his or her profile information with the state sex
offender registry; or

(B) Become noncompliant with the state sex offender registry;

(iv) Permit a registered victim to receive the most recent status
report for an offender in any Washington state city and county jail,
department of corrections, or sex offender registry by calling the
statewide automated victim information and notification system on a
toll-free telephone number or by accessing the statewide automated
victim information and notification system via a public web site. All
registered victims calling the statewide automated victim information
and notification system will be given the option to have live operator
assistance to help use the program on a twenty-four hour, three hundred
sixty-five day per year basis;

(v) Permit a crime victim to register, or registered victim to
update, the victim's registration information for the statewide
automated victim information and notification system by calling a toll-
free telephone number or by accessing a public web site; and

(vi) Ensure that the offender information contained within the
statewide automated victim information and notification system is
updated frequently to timely notify a crime victim that an offender has
been released or discharged or has escaped. However, the failure of
the statewide automated victim information and notification system to
provide notice to the victim does not establish a separate cause of
action by the victim against state officials, local officials, law
enforcement officers, or any related correctional authorities.

(b) Participation in the statewide automated victim information and
notification program satisfies any obligation to notify the crime
victim of an offender's custody status and the status of the offender's
upcoming court events so long as:

(i) Information making offender and case data available is provided
on a timely basis to the statewide automated victim information and
notification program; and

(ii) Information a victim submits to register and participate in
the victim notification system is only used for the sole purpose of
victim notification.

(c) Automated victim information and notification systems in
existence and operational as of July 22, 2007, shall not be required to
participate in the statewide system.

(6) When funded, the ((Washington association of sheriffs and
police chiefs)) attorney general shall implement and operate an
electronic statewide unified sex offender notification and registration
program. Information submitted to the program by a person for the
purpose of receiving notification regarding a registered sex offender,
including the person's name, residential address, and e-mail address,
are exempt from public inspection and copying under chapter 42.56 RCW.

(7) An appointed or elected official, public employee, or public
agency as defined in RCW 4.24.470, or combination of units of
government and its employees, as provided in RCW 36.28A.010, are immune
from civil liability for damages for any release of information or the
failure to release information related to the statewide automated
victim information and notification system, the electronic statewide
unified sex offender notification and registration program, and the
jail booking and reporting system as described in this section, so long
as the release was without gross negligence. The immunity provided
under this subsection applies to the release of relevant and necessary
information to other public officials, public employees, or public
agencies, and to the general public.

Sec. 409. RCW 36.28A.050 and 2000 c 3 s 2 are each amended to read
as follows:
(1) The (Washington association of sheriffs and police chiefs) attorney general shall establish and manage a local jail booking system grant fund. All federal or state money collected to offset the costs associated with RCW 36.28A.040(2) (as recodified by this act) shall be processed through the grant fund established by this section. The statewide jail booking and reporting system standards committee established under RCW 36.28A.040(4) (as recodified by this act) shall distribute the grants in accordance with any standards it develops.

(2) The (Washington association of sheriffs and police chiefs) attorney general shall pursue federal funding to be placed into the local jail booking system grant fund.

NEW SECTION. Sec. 410. RCW 36.28A.040 and 36.28A.050 are each recodified as sections in chapter 43.10 RCW.

Sex Offender Web Site

Sec. 411. RCW 4.24.550 and 2011 c 337 s 1 are each amended to read as follows:

(1) In addition to the disclosure under subsection (5) of this section, public agencies are authorized to release information to the public regarding sex offenders and kidnapping offenders when the agency determines that disclosure of the information is relevant and necessary to protect the public and counteract the danger created by the particular offender. This authorization applies to information regarding: (a) Any person adjudicated or convicted of a sex offense as defined in RCW 9A.44.128 or a kidnapping offense as defined by RCW 9A.44.128; (b) any person under the jurisdiction of the indeterminate sentence review board as the result of a sex offense or kidnapping offense; (c) any person committed as a sexually violent predator under chapter 71.09 RCW or as a sexual psychopath under chapter 71.06 RCW; (d) any person found not guilty of a sex offense or kidnapping offense by reason of insanity under chapter 10.77 RCW; and (e) any person found incompetent to stand trial for a sex offense or kidnapping offense and subsequently committed under chapter 71.05 or 71.34 RCW.

(2) Except for the information specifically required under subsection (5) of this section, the extent of the public disclosure of relevant and necessary information shall be rationally related to: (a)
The level of risk posed by the offender to the community; (b) the locations where the offender resides, expects to reside, or is regularly found; and (c) the needs of the affected community members for information to enhance their individual and collective safety.

(3) Except for the information specifically required under subsection (5) of this section, local law enforcement agencies shall consider the following guidelines in determining the extent of a public disclosure made under this section: (a) For offenders classified as risk level I, the agency shall share information with other appropriate law enforcement agencies and, if the offender is a student, the public or private school regulated under Title 28A RCW or chapter 72.40 RCW which the offender is attending, or planning to attend. The agency may disclose, upon request, relevant, necessary, and accurate information to any victim or witness to the offense and to any individual community member who lives near the residence where the offender resides, expects to reside, or is regularly found; (b) for offenders classified as risk level II, the agency may also disclose relevant, necessary, and accurate information to public and private schools, child day care centers, family day care providers, public libraries, businesses and organizations that serve primarily children, women, or vulnerable adults, and neighbors and community groups near the residence where the offender resides, expects to reside, or is regularly found; (c) for offenders classified as risk level III, the agency may also disclose relevant, necessary, and accurate information to the public at large; and (d) because more localized notification is not feasible and homeless and transient offenders may present unique risks to the community, the agency may also disclose relevant, necessary, and accurate information to the public at large for offenders registered as homeless or transient.

(4) The county sheriff with whom an offender classified as risk level III is registered shall cause to be published by legal notice, advertising, or news release a sex offender community notification that conforms to the guidelines established under RCW 4.24.5501 in at least one legal newspaper with general circulation in the area of the sex offender's registered address or location. Unless the information is posted on the web site described in subsection (5) of this section, this list shall be maintained by the county sheriff on a publicly accessible web site and shall be updated at least once per month.
(5)(a) When funded by federal grants or other sources, the attorney general shall create and maintain a statewide registered kidnapping and sex offender web site, which shall be available to the public. The web site shall post all level III and level II registered sex offenders, level I registered sex offenders during the time they are out of compliance with registration requirements under RCW 9A.44.130, and all registered kidnapping offenders in the state of Washington.

(i) For level III offenders, the web site shall contain, but is not limited to, the registered sex offender's name, relevant criminal convictions, address by hundred block, physical description, and photograph. The web site shall provide mapping capabilities that display the sex offender's address by hundred block on a map. The web site shall allow citizens to search for registered sex offenders within the state of Washington by county, city, zip code, last name, and address by hundred block.

(ii) For level II offenders, and level I sex offenders during the time they are out of compliance with registration requirements under RCW 9A.44.130, the web site shall contain, but is not limited to, the same information and functionality as described in (a)(i) of this subsection, provided that it is permissible under state and federal law. If it is not permissible, the web site shall be limited to the information and functionality that is permissible under state and federal law.

(iii) For kidnapping offenders, the web site shall contain, but is not limited to, the same information and functionality as described in (a)(i) of this subsection, provided that it is permissible under state and federal law. If it is not permissible, the web site shall be limited to the information and functionality that is permissible under state and federal law.

(b) Until the implementation of (a) of this subsection, the attorney general shall create a web site available to the public that provides electronic links to county-operated web sites that offer sex offender registration information.

(6) Local law enforcement agencies that disseminate information pursuant to this section shall: (a) Review available risk level classifications made by the department of corrections, the department
of social and health services, and the indeterminate sentence review board; (b) assign risk level classifications to all offenders about whom information will be disseminated; and (c) make a good faith effort to notify the public and residents within a reasonable period of time after the offender registers with the agency. The juvenile court shall provide local law enforcement officials with all relevant information on offenders allowed to remain in the community in a timely manner.

(7) An appointed or elected public official, public employee, or public agency as defined in RCW 4.24.470, or units of local government and its employees, as provided in RCW 36.28A.010, are immune from civil liability for damages for any discretionary risk level classification decisions or release of relevant and necessary information, unless it is shown that the official, employee, or agency acted with gross negligence or in bad faith. The immunity in this section applies to risk level classification decisions and the release of relevant and necessary information regarding any individual for whom disclosure is authorized. The decision of a local law enforcement agency or official to classify an offender to a risk level other than the one assigned by the department of corrections, the department of social and health services, or the indeterminate sentence review board, or the release of any relevant and necessary information based on that different classification shall not, by itself, be considered gross negligence or bad faith. The immunity provided under this section applies to the release of relevant and necessary information to other public officials, public employees, or public agencies, and to the general public.

(8) Except as may otherwise be provided by law, nothing in this section shall impose any liability upon a public official, public employee, or public agency for failing to release information authorized under this section.

(9) Nothing in this section implies that information regarding persons designated in subsection (1) of this section is confidential except as may otherwise be provided by law.

(10) When a local law enforcement agency or official classifies an offender differently than the offender is classified by the end of sentence review committee or the department of social and health services at the time of the offender's release from confinement, the
law enforcement agency or official shall notify the end of sentence review committee or the department of social and health services and submit its reasons supporting the change in classification.

Sex Offender Records Retention

Sec. 412. RCW 40.14.070 and 2011 c 60 s 18 are each amended to read as follows:

(1)(a) County, municipal, and other local government agencies may request authority to destroy noncurrent public records having no further administrative or legal value by submitting to the division of archives and records management lists of such records on forms prepared by the division. The archivist, a representative appointed by the state auditor, and a representative appointed by the attorney general shall constitute a committee, known as the local records committee, which shall review such lists and which may veto the destruction of any or all items contained therein.

(b) A local government agency, as an alternative to submitting lists, may elect to establish a records control program based on recurring disposition schedules recommended by the agency to the local records committee. The schedules are to be submitted on forms provided by the division of archives and records management to the local records committee, which may either veto, approve, or amend the schedule. Approval of such schedule or amended schedule shall be by unanimous vote of the local records committee. Upon such approval, the schedule shall constitute authority for the local government agency to destroy the records listed thereon, after the required retention period, on a recurring basis until the schedule is either amended or revised by the committee.

(2)(a) Except as otherwise provided by law, no public records shall be destroyed until approved for destruction by the local records committee. Official public records shall not be destroyed unless:

(i) The records are six or more years old;

(ii) The department of origin of the records has made a satisfactory showing to the state records committee that the retention of the records for a minimum of six years is both unnecessary and uneconomical, particularly where lesser federal retention periods for
records generated by the state under federal programs have been established; or

(iii) The originals of official public records less than six years old have been copied or reproduced by any photographic, photostatic, microfilm, miniature photographic, or other process approved by the state archivist which accurately reproduces or forms a durable medium for so reproducing the original.

An automatic reduction of retention periods from seven to six years for official public records on record retention schedules existing on June 10, 1982, shall not be made, but the same shall be reviewed individually by the local records committee for approval or disapproval of the change to a retention period of six years.

The state archivist may furnish appropriate information, suggestions, and guidelines to local government agencies for their assistance in the preparation of lists and schedules or any other matter relating to the retention, preservation, or destruction of records under this chapter. The local records committee may adopt appropriate regulations establishing procedures to be followed in such matters.

Records of county, municipal, or other local government agencies, designated by the archivist as of primarily historical interest, may be transferred to a recognized depository agency.

(b)(i) Records of investigative reports prepared by any state, county, municipal, or other law enforcement agency pertaining to sex offenders contained in chapter 9A.44 RCW or sexually violent offenses as defined in RCW 71.09.020 that are not required in the current operation of the law enforcement agency or for pending judicial proceedings shall, following the expiration of the applicable schedule of the law enforcement agency's retention of the records, be transferred to the ((Washington association of sheriffs and police chiefs)) attorney general for permanent electronic retention and retrieval. Upon electronic retention of any document, the ((association)) attorney general shall be permitted to destroy the paper copy of the document.

(ii) Any sealed record transferred to the ((Washington association of sheriffs and police chiefs)) attorney general for permanent electronic retention and retrieval, including records sealed after
transfer, shall be electronically retained in such a way that the record is clearly marked as sealed.

(iii) The ((Washington association of sheriffs and police chiefs)) attorney general shall be permitted to destroy both the paper copy and electronic record of any offender verified as deceased.

(c) Any record transferred to the ((Washington association of sheriffs and police chiefs)) attorney general pursuant to (b) of this subsection shall be deemed to no longer constitute a public record pursuant to RCW 42.56.010 and shall be exempt from public disclosure. Such records shall be disseminated only to criminal justice agencies as defined in RCW 10.97.030 for the purpose of determining if a sex offender met the criteria of a sexually violent predator as defined in chapter 71.09 RCW and the end-of-sentence review committee as defined by RCW 72.09.345 for the purpose of fulfilling its duties under RCW 71.09.025 and 9.95.420.

Electronic records marked as sealed shall only be accessible by criminal justice agencies as defined in RCW 10.97.030 who would otherwise have access to a sealed paper copy of the document, the end-of-sentence review committee as defined by RCW 72.09.345 for the purpose of fulfilling its duties under RCW 71.09.025 and 9.95.420, and the system administrator for the purposes of system administration and maintenance.

(3) Except as otherwise provided by law, county, municipal, and other local government agencies may, as an alternative to destroying noncurrent public records having no further administrative or legal value, donate the public records to the state library, local library, historical society, genealogical society, or similar society or organization.

Public records may not be donated under this subsection unless:
(a) The records are seventy years old or more;
(b) The local records committee has approved the destruction of the public records; and
(c) The state archivist has determined that the public records have no historic interest.

Washington Auto Theft Prevention Authority
Sec. 413. RCW 36.28A.130 and 2007 c 199 s 19 are each amended to read as follows:

There is hereby created in the (Washington association of sheriffs and police chiefs) office of the attorney general the Washington auto theft prevention authority which shall be under the direction of the (executive director of the Washington association of sheriffs and police chiefs) attorney general.

Sec. 414. RCW 46.66.010 and 2007 c 199 s 20 are each amended to read as follows:

(1) The Washington auto theft prevention authority is established. The authority shall consist of the following members, appointed by the governor:

(a) The (executive director of the Washington association of sheriffs and police chiefs, or the executive director's) attorney general or the attorney general's designee;

(b) The chief of the Washington state patrol, or the chief's designee;

(c) Two police chiefs;

(d) Two sheriffs;

(e) One prosecuting attorney;

(f) A representative from the insurance industry who is responsible for writing property and casualty liability insurance in the state of Washington;

(g) A representative from the automobile industry; and

(h) One member of the general public.

(2) In addition, the authority may, where feasible, consult with other governmental entities or individuals from the public and private sector in carrying out its duties under this section.

Sec. 415. RCW 46.66.020 and 2007 c 199 s 21 are each amended to read as follows:

(1) The Washington auto theft prevention authority shall initially convene at the call of the (executive director of the Washington association of sheriffs and police chiefs, or the executive director's designee, no later than the third Monday in January 2008. Subsequent meetings of the authority shall be at the call of the) chair or seven members.
(2) The authority shall annually elect a chairperson and other such officers as it deems appropriate from its membership.

(3) Members of the authority shall serve terms of four years each on a staggered schedule to be established by the first authority. For purposes of initiating a staggered schedule of terms, some members of the first authority may initially serve two years and some members may initially serve four years.

NEW SECTION. Sec. 416. RCW 36.28A.130 is recodified as a section in chapter 43.10 RCW.

PART 5
PROGRAMS TRANSFERRED FROM THE CRIMINAL JUSTICE TRAINING COMMISSION

Statewide Drug Prosecution Assistance Program

Sec. 501. RCW 36.27.100 and 2010 c 271 s 501 are each amended to read as follows:

The legislature recognizes that, due to the magnitude or volume of offenses in a given area of the state, there is a recurring need for supplemental assistance in the prosecuting of drug and drug-related offenses that can be directed to the area of the state with the greatest need for short-term assistance. A statewide drug prosecution assistance program is created within the ((criminal justice training commission)) office of the attorney general to assist county prosecuting attorneys in the prosecution of drug and drug-related offenses.

PART 6
PROGRAMS TRANSFERRED FROM THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Shelters for Victims of Domestic Violence

Sec. 601. RCW 70.123.020 and 2008 c 6 s 303 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.
"Shelter" means a place of temporary refuge, offered on a twenty-four hour, seven day per week basis to victims of domestic violence and their children.

(2) "Domestic violence" is a categorization of offenses, as defined in RCW 10.99.020, committed by one cohabitant against another.

(3) "Department" means the department of social and health services.

(4+) "Victim" means a cohabitant who has been subjected to domestic violence.

(4+) "Cohabitant" means a person who is or was married, in a state registered domestic partnership, or cohabiting with another person in an intimate or dating relationship at the present or at sometime in the past. Any person who has one or more children in common with another person, regardless of whether they have been married, in a domestic partnership with each other, or lived together at any time, shall be treated as a cohabitant.

(4+) "Community advocate" means a person employed by a local domestic violence program to provide ongoing assistance to victims of domestic violence in assessing safety needs, documenting the incidents and the extent of violence for possible use in the legal system, making appropriate social service referrals, and developing protocols and maintaining ongoing contacts necessary for local systems coordination.

(4+) "Domestic violence program" means an agency that provides shelter, advocacy, and counseling for domestic violence victims in a supportive environment.

(7+) "Legal advocate" means a person employed by a domestic violence program or court system to advocate for victims of domestic violence, within the criminal and civil justice systems, by attending court proceedings, assisting in document and case preparation, and ensuring linkage with the community advocate.

(8) "Office" means the office of the attorney general.

(9) "Secretary" means the secretary of the department of social and health services or the secretary's designee.

Sec. 602. RCW 70.123.030 and 2005 c 374 s 4 are each amended to read as follows:

The "department of social and health services) attorney general,
in consultation with the state department of health, and individuals or
groups having experience and knowledge of the problems of victims of
domestic violence, shall:

(1) Establish minimum standards for shelters applying for grants
from the ((department)) office under this chapter. Classifications may
be made dependent upon size, geographic location, and population needs;
(2) Receive grant applications for the development and
establishment of shelters for victims of domestic violence;
(3) Distribute funds, within forty-five days after approval, to
those shelters meeting ((departmental)) office standards;
(4) Evaluate biennially each shelter receiving ((departmental))
office funds for compliance with the established minimum standards;
(5) Review the minimum standards each biennium to ensure
applicability to community and client needs; and
(6) Administer funds available from the domestic violence
prevention account under RCW 70.123.150 and establish minimum standards
for preventive, nonshelter community-based services receiving funds
administered by the ((department)) office. Preventive, nonshelter
community-based services include services for victims of domestic
violence from communities that have been traditionally underserved or
unserved and services for children who have witnessed domestic
violence.

Sec. 603. RCW 70.123.040 and 2006 c 259 s 3 are each amended to
read as follows:

(1) Minimum standards established by the ((department)) office
under RCW 70.123.030 shall ensure that shelters receiving grants under
this chapter provide services meeting basic survival needs, where not
provided by other means, such as, but not limited to, food, clothing,
housing, safety, security, client advocacy, client confidentiality, and
counseling. These services shall be problem-oriented and designed to
provide necessary assistance to the victims of domestic violence and
their children.

(2) The ((department)) office shall establish minimum standards
that ensure that nonshelter community-based services for victims of
domestic violence funded under RCW 70.123.150 provide services designed
to enhance safety and security by means such as, but not limited to,
client advocacy, client confidentiality, and counseling.
Sec. 604. RCW 70.123.050 and 1979 ex.s. c 245 s 5 are each amended to read as follows:

The ((department)) attorney general shall contract, where appropriate, with public or private nonprofit groups or organizations with experience and expertise in the field of domestic violence to:

(1) Develop and implement an educational program designed to promote public and professional awareness of the problems of domestic violence and of the availability of services for victims of domestic violence. Particular emphasis should be given to the education needs of law enforcement agencies, the legal system, the medical profession, and other relevant professions that are engaged in the prevention, identification, and treatment of domestic violence;

(2) Maintain a directory of temporary shelters and other direct service facilities for the victims of domestic violence which is current, complete, detailed, and available, as necessary, to provide useful referral services to persons seeking help on an emergency basis;

(3) Create a statewide toll-free telephone number that would provide information and referral to victims of domestic violence;

(4) Provide opportunities to persons working in the area of domestic violence to exchange information; and

(5) Provide training opportunities for both volunteer workers and staff personnel.

Sec. 605. RCW 70.123.080 and 1979 ex.s. c 245 s 8 are each amended to read as follows:

The ((department)) attorney general shall consult in all phases with persons and organizations having experience and expertise in the field of domestic violence.

Sec. 606. RCW 70.123.090 and 1979 ex.s. c 245 s 9 are each amended to read as follows:

The ((department)) office is authorized, under this chapter and the rules adopted to effectuate its purposes, to make available grants awarded on a contract basis to public or private nonprofit agencies, organizations, or individuals providing shelter services meeting minimum standards established by the ((department)) office. Consideration as to need, geographic location, population ratios, and the extent of existing services shall be made in the award of grants.
The ((department)) office shall provide technical assistance to any nonprofit organization desiring to apply for the contracts if the organization does not possess the resources and expertise necessary to develop and transmit an application without assistance.

Sec. 607. RCW 70.123.100 and 1997 c 160 s 1 are each amended to read as follows:

The ((department)) office shall seek, receive, and make use of any funds which may be available from federal or other sources in order to augment state funds appropriated for the purpose of this chapter, and shall make every effort to qualify for federal funding.

Sec. 608. RCW 70.123.110 and 2011 1st sp.s. c 36 s 16 are each amended to read as follows:

Aged, blind, or disabled assistance benefits, essential needs and housing support benefits, pregnant women assistance benefits, or temporary assistance for needy families payments shall be made to otherwise eligible individuals who are residing in a secure shelter, a housing network or other shelter facility which provides shelter services to persons who are victims of domestic violence. Provisions shall be made by the ((department)) office for the confidentiality of the shelter addresses where victims are residing.

Sec. 609. RCW 70.123.130 and 1991 c 301 s 11 are each amended to read as follows:

The ((department of social and health services)) office shall establish a technical assistance grant program to assist local communities in determining how to respond to domestic violence. The goals of the program shall be to coordinate and expand existing services to:

1. Serve any individual affected by domestic violence with the primary focus being the safety of the victim;
2. Assure an integrated, comprehensive, accountable community response that is adequately funded and sensitive to the diverse needs of the community;
3. Create a continuum of services that range from prevention, crisis intervention, and counseling through shelter, advocacy, legal
intervention, and representation to longer term support, counseling, and training; and

(4) Coordinate the efforts of government, the legal system, the private sector, and a range of service providers, such as doctors, nurses, social workers, teachers, and child care workers.

Sec. 610. RCW 70.123.140 and 1991 c 301 s 12 are each amended to read as follows:

(1) A county or group of counties may apply to the ((department)) office for a technical assistance grant to develop a comprehensive county plan for dealing with domestic violence. The county authority may contract with a local nonprofit entity to develop the plan.

(2) County comprehensive plans shall be developed in consultation with the ((department)) office, domestic violence programs, schools, law enforcement, and health care, legal, and social service providers that provide services to persons affected by domestic violence.

(3) County comprehensive plans shall be based on the following principles:
   (a) The safety of the victim is primary;
   (b) The community needs to be well-educated about domestic violence;
   (c) Those who want to and who should intervene need to know how to do so effectively;
   (d) Adequate services, both crisis and long-term support, should exist throughout all parts of the county;
   (e) Police and courts should hold the batterer accountable for his or her crimes;
   (f) Treatment for batterers should be provided by qualified counselors; and
   (g) Coordination teams are needed to ensure that the system continues to work over the coming decades.

(4) County comprehensive plans shall provide for the following:
   (a) Public education about domestic violence;
   (b) Training for professionals on how to recognize domestic violence and assist those affected by it;
   (c) Development of protocols among agencies so that professionals respond to domestic violence in an effective, consistent manner;
(d) Development of services to victims of domestic violence and their families, including shelters, safe homes, transitional housing, community and legal advocates, and children's services; and

(e) Local and regional teams to oversee implementation of the system, ensure that efforts continue over the years, and assist with day-to-day and system-wide coordination.

PART 7
ADMINISTRATIVE AND MISCELLANEOUS PROVISIONS

NEW SECTION. Sec. 701. (1)(a) All powers, duties, and functions of programs of the various named entities as provided in this subsection (1) are transferred to the office of the attorney general.

(b) The following programs are transferred from the department of commerce: (i) Sexual assault grants; (ii) prostitution prevention and intervention; (iii) financial fraud and identity theft crimes investigation and prosecution program; and (iv) community mobilization against substance abuse.

(c) The crime victims' compensation program is transferred from the department of labor and industries.

(d) The address confidentiality program is transferred from the office of the secretary of state.

(e) The following programs are transferred from the Washington association of sheriffs and police chiefs: (i) Registered sex offender and kidnapping offender address and residency verification grant program; (ii) uniform crime reporting; (iii) missing persons web site; (iv) jail booking and reporting system; (v) sex offender web site; (vi) sex offender records retention; and (vii) Washington auto theft prevention authority.

(f) The statewide drug prosecution assistance program is transferred from the criminal justice training commission.

(g) The program for shelters for victims of domestic violence is transferred from the department of social and health services.

(2)(a) All reports, documents, surveys, books, records, files, papers, or written material in the possession of the entities named in subsection (1) of this section pertaining to the powers, duties, and functions transferred shall be delivered to the custody of the office of the attorney general. All cabinets, furniture, office equipment,
motor vehicles, and other tangible property employed by the entities named in subsection (1) of this section in carrying out the powers, duties, and functions transferred shall be made available to the office of the attorney general. All funds, credits, or other assets held in connection with the powers, duties, and functions transferred shall be assigned to the office of the attorney general.

(b) Any appropriations made to the entities named in subsection (1) of this section for carrying out the powers, duties, and functions transferred shall, on the effective date of this section, be transferred and credited to the office of the attorney general.

(c) If any question arises as to the transfer of any personnel, funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

(3) All rules and all pending business before the entities named in subsection (1) of this section pertaining to the powers, duties, and functions transferred shall be continued and acted upon by the office of the attorney general. All existing contracts and obligations shall remain in full force and shall be performed by the office of the attorney general.

(4) The transfer of the powers, duties, functions, and personnel of the entities named in subsection (1) of this section shall not affect the validity of any act performed before the effective date of this section.

(5) If apportionments of budgeted funds are required because of the transfers directed by this section, the director of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

(6) All employees of the various entities named in subsection (1) of this section engaged in performing the powers, duties, and functions transferred to the office of the attorney general, are transferred to the office of the attorney general. All employees classified under chapter 41.06 RCW, the state civil service law, are assigned to the office of the attorney general to perform their usual duties upon the
same terms as formerly, without any loss of rights, subject to any
action that may be appropriate thereafter in accordance with the laws
and rules governing state civil service law.

(7) Unless or until modified by the public employment relations
commission pursuant to section 702 of this act:
(a) The portions of the bargaining units of employees at the
various entities named in subsection (1) of this section existing on
the effective date of this section shall be considered appropriate
units at the office of the attorney general and will be so certified by
the public employment relations commission.
(b) The exclusive bargaining representatives recognized as
representing the portions of the bargaining units of employees at the
various entities named in subsection (1) of this section existing on
the effective date of this section shall continue as the exclusive
bargaining representatives of the transferred bargaining units without
the necessity of an election.

NEW SECTION. Sec. 702. (1) By January 1, 2013, the public
employment relations commission may review the appropriateness of the
collective bargaining units transferred under section 701 of this act.
The employer or the exclusive bargaining representative may petition
the public employment relations commission to review the bargaining
units in accordance with this section.
(2) If the commission determines that an existing collective
bargaining unit is appropriate pursuant to RCW 41.80.070, the exclusive
bargaining representative certified to represent the bargaining unit
before January 1, 2013, shall continue as the exclusive bargaining
representative without the necessity of an election.
(3) If the commission determines that existing collective
bargaining units are not appropriate, the commission may modify the
units and order an election pursuant to RCW 41.80.080. Certified
bargaining representatives will not be required to demonstrate a
showing of interest to be included on the ballot.
(4) The commission may require an election pursuant to RCW
41.80.080 if similarly situated employees are represented by more than
one employee organization. Certified bargaining representatives will
not be required to demonstrate a showing of interest to be included on
the ballot.
NEW SECTION. Sec. 703. Sections 123, 124, and 219 of this act expire July 1, 2015.

NEW SECTION. Sec. 704. Section 220 of this act takes effect July 1, 2015.

NEW SECTION. Sec. 705. Except for sections 220 and 702 of this act, this act takes effect July 1, 2013.

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