



2021 Legislative Updates

Domestic & Sexual Violence Committee

Bill No.	Bill Name	Bill Summary
HB 1042 Chapter 23, Laws of 2021	Revising the international application of the UCCJEA	Allows Washington courts to refrain from applying Uniform Child Custody Jurisdiction and Enforcement Act standards in international custody matters if a parent or child are at demonstrable risk of being subject to laws of a foreign country that carry a death sentence for apostasy, a sincerely held religious belief or practice, or homosexuality. <i>Effective Date: April 14, 2021</i>
HB 1072 Chapter 58, Laws of 2021	Removing one of the restrictions on the use of civil legal aid funds	Removes restriction on the use of civil legal aid funds to represent individuals who are in the United States without legal authority. <i>Effective Date: July 25, 2021</i>
E2SHB 1073 Chapter 109, Laws of 2021	Expanding coverage of the paid family and medical leave program.	Provides a pandemic leave assistance grant to certain employees unable to access their state paid family and medical leave benefits due to the COVID-19 pandemic. Provides pandemic leave assistance employer grant to employers with fewer than 150 employees who have an employee taking leave and receiving a grant under the act. <i>Effective Date: April 21, 2021</i>
ESHB 1078 Chapter 10, Laws of 2021	Restoring voter eligibility for all persons convicted of a felony offense who are not in total confinement	Provides for automatic restoration of voting rights to a person convicted of a felony when they are not serving a sentence of total confinement under the jurisdiction of the Department of Corrections. Removes provisions authorizing the revocation of provisional restoration of voting rights upon failure to pay legal financial obligations. Conforming changes made to voter registration oath, voter declaration, and statutory eligibility to serve as a juror. <i>Effective Date: January 1, 2022</i>
EHB 1090 Chapter 30, Laws of 2021	Concerning private, for-profit detention facilities	Prohibits persons, businesses, and state and local governments from operating private detention facilities or from utilizing contracts with private detention facilities, with some exceptions. <i>Effective Date: April 14, 2021</i>
ESHB 1109 Chapter 118, Laws of 2021	Concerning victims of sexual assault	Implements additional requirements for the Attorney General's Office, law enforcement, and prosecuting agencies to address the rape kit backlog. Requires Criminal Justice Training Commission to conduct an annual case review program to review sexual assault investigations and prosecutions for the purposes of improving training and case outcomes. Expands rights for sexual assault survivors including the right to consult with an advocate during court proceedings, and that the court consider requests from the prosecutor for safeguarding the survivor's feelings of security and safety in the courtroom to facilitate their participation in the criminal justice process. <i>Effective Date: April 26, 2021</i>
ESHB 1140 Chapter 308, Laws of 2021	Concerning juvenile access to attorneys when contacted by law enforcement	Requires law enforcement to provide juveniles with access to an attorney (in person, telephone, videoconference) prior to any waiver of the juvenile's constitutional rights when law enforcement questions a juvenile during a custodial interrogation; or detains a juvenile based on probable cause; or requests a juvenile consent to an evidentiary search. This right to consultation with an attorney may not be waived. Law enforcement may question a juvenile without first providing access to counsel when the officer believes the juvenile is a victim of trafficking or if the resulting delay would impede protection of an individual's life from an imminent threat. Information so obtained cannot be used in any prosecution of the juvenile. <i>Effective Date: January 1, 2022</i>
2SHB 1219 Chapter 210, Laws of 2021	Concerning the appointment of counsel for youth in dependency court proceedings	Mandatory appointment of counsel for children 8 years of age and older who are involved in dependency proceedings will be phased in beginning with implementation in at least three counties July 2022 until statewide implementation by January 2027. Child representation standards will be updated and recommendations for representation of children under 8 years of age will be submitted to the Legislature. The Office of Civil Legal Aid is responsible for the child representation program and the Washington State Center for Court Research will provide an evaluation and annual report. <i>Effective Date: July 25, 2021</i>
E2SHB 1227 Chapter 211, Laws of 2021	Protecting the rights of families responding to allegations of abuse or neglect of a child	Requires hospitals, law enforcement, and courts to find that the removal or detention of a child is necessary to prevent imminent physical harm due to child abuse or neglect before authorizing removal or detention of the child. Requires the Department of Children, Youth, and Families to make continuing efforts to place children with relatives and requires such placement unless there is no relative capable of ensuring the basic safety of the child. Requires the court to release a child to a parent unless the court finds that there are reasonable grounds to believe that removal of the child is necessary to prevent imminent physical harm and the evidence shows a causal relationship between the conditions in the home and imminent physical harm to the child. <i>Effective Date: July 1, 2023 except for Section 11 (federal waivers for costs), which takes effect July 25, 2021</i>
HB 1237 Chapter 39, Laws of 2021	An act relating to defining family resource centers	A "family resource center" ("FRC") is defined to mean a unified single point of entry where families, individuals, children, and youth in communities can obtain information, an assessment of needs, referral to, or direct delivery of family services in a manner that is welcoming and strength-based. An FRC is designed to meet the needs, cultures, and interests of the communities the FRC serves. Family services may be delivered directly to a family at the FRC by the FRC staff or by providers who contract with or have provider agreements with the FRC. Each FRC must have one or more family advocates who screen and assess a family's needs and strengths. <i>Effective Date: July 25, 2021</i>
SHB 1259 Chapter 160, Laws of 2021	Expanding public contracting opportunities	Increases the regulatory oversight and accountability of the office of minority and women's business enterprises to expand public contracting opportunities for women and minority business enterprises. <i>Effective Date: July 25, 2021</i>
HB 1315 Chapter 43, Laws of 2021	Creating a task force to identify the role of the workplace in helping curb domestic violence	Requires Department of Commerce to convene a task force on domestic violence and workplace resources to identify the role of the workplace curbing domestic violence. Task force members include business, labor, hospitality, and retail organizations; the Washington Coalition Against Domestic Violence, a federally recognized tribe, a business owner, a domestic violence survivor, and up to two additional members. A preliminary report is due to the Legislature by December 1, 2021, and the final report is due December 1, 2022. <i>Effective Date: July 25, 2021</i>
E2SHB 1320 Chapter 215, Laws of 2021	Modernizing, harmonizing, and improving the efficacy and accessibility of laws concerning civil protection orders	Consolidates and harmonizes laws governing domestic violence protection orders, sexual assault protection orders, stalking protection orders, anti-harassment protection orders, vulnerable adult protection orders, and extreme risk protection orders under a new chapter. Mandates the creation of a single petition that may be used to file for any type of protection order. Authorizes hearings to be conducted in person or by telephone, video or other electronic or remote means. Adds provisions governing electronic submission of petitions and case tracking by parties. Allows service by electronic means in certain circumstance. Adds definitions for the following terms, which were not previously defined in any of the six civil protection order statutes: consent (in the context of a sexual act); firearm; full hearing; full protection order; possession; and temporary protection order. Names the Gender and Justice Commission to work with stakeholders to submit a report to the Legislature by December 1, 2021, on the following issues: subject matter jurisdiction; inter-jurisdictional information-sharing between state courts, tribal courts, military courts, and other courts; best practices for minor litigants, including sanctions; and how civil protection order law can more effectively address coercive control. Names the Gender and Justice Commission to work with stakeholders to submit a report to the courts by June 30, 2022, regarding standards for filing evidence in protection order proceedings and requirements for private vendors who provide services related to filing systems for protection orders. A report is also due to the courts by July 1, 2022, regarding the use of technology to reduce administrative burdens in protection order proceedings; improved access to protection order proceedings for pro se litigants; best practices where there are concurrent civil and criminal proceedings stemming from the same alleged conduct; and best practices in data collection and sharing to promote research and transparency to the public. <i>Effective Date: July 1, 2022 except for Gender and Justice Commission recommendations and Section 18 (methods of service) and Section 25 (remote hearing procedures) which take effect July 25, 2021.</i>
SHB 1348 Chapter 166, Laws of 2021	Providing medical assistance to incarcerated persons	Prohibits the Health Care Authority (HCA) from suspending Medicaid for individuals on short-term (up to 29 days) jail stays. Requires local jails to make reasonable efforts to collaborate with managed care organizations for purposes of care coordination activities and improving health care delivery and release planning for persons confined in the jail. Suspends, rather than terminates, medical assistance benefits for persons in correctional institutions, state hospitals, and other treatment facilities for 30 days or more. An incarcerated person who was not enrolled in Medicaid at the time of incarceration may apply for Medicaid coverage. <i>Effective Date: July 25, 2021</i>
SHB 1416 Chapter 168, Laws of 2021	Child Support Collection – Insurance Claim Payments	Requires insurers to exchange information with certain child support databases in order to intercept certain insurance claim payments for the collection of past-due child support. <i>Effective Date: January 1, 2022</i>
ESSB 5097 Chapter 232, Laws of 2021	Expanding coverage of the paid family and medical leave program	Expands the definition of "family member" to include any individual who regularly resides in the employee's home or where the relationship creates an expectation that the employee care for the person, and that individual depends on the employee for care. Requires the Employment Security Department to collect and analyze data and submit reports to the Legislature regarding employee use of the program. <i>Effective Date: July 25, 2021</i>
SB 5140 Chapter 235, Laws of 2021	Protecting pregnancy and miscarriage-related patient care	Creates a new civil cause of action. If a health care provider is acting in good faith, within their scope of practice, education, training, and experience, and within the accepted standard of care, a health care entity may not prohibit the health care provider's provision of health care services related to complications of pregnancy in cases when not providing the service would violate the accepted standard of care, or could pose a risk to the patient's life or irreversible complications, or impairment to the patient's body. <i>Effective Date: July 25, 2021</i>
E2SSB 5163 Chapter 236, Laws of 2021	Concerning the placement and treatment of conditionally released sexually violent predators (SVP)	Enacts 2020 Sex Offender Policy Board (SOPB) recommendations to ensure successful transition for individuals convicted of sex offenses from total confinement into the community. Recommendations relate to discharge planning, conditional release, contracts with housing and treatment providers, conditional release and transition facilities, modification to the less restrictive alternative order, community notification, disappearance on conditional release, and state id cards. Requires ongoing quarterly meetings of SOPB and for SOPB and DSHS to convene a work group to develop recommendations to increase the availability and quality of sex offender treatment providers. <i>Effective Date: July 25, 2021</i>
ESSB 5172 Chapter 249, Laws of 2021	Agricultural Employees- Overtime Pay	Responsive to <i>Jose Martinez-Cuevas v. DeRuyter Bros. Dairy, Inc.</i> (2020), where the Washington State Supreme Court found the law exempting agricultural workers from overtime pay, as applied to dairy workers, unconstitutional. This legislation requires employers to pay farmworkers time-and-a-half for all labor performed over 40 hours per week. <i>Effective Date: July 25, 2021</i>
SB 5177 Chapter 142, Laws of 2021	Eliminating proof of nonmarriage as an element of a sex offense	Removes the requirement that the State prove a perpetrator was not married to the victim as an element of a sex crime involving a minor or vulnerable adult. <i>Effective Date: April 26, 2021</i>
ESSB 5180 Chapter 237, Laws of 2021	Vacating certain convictions	Establishes a process for applying to vacate misdemeanor, gross misdemeanor, and Class B and C felony convictions for offenses that were committed as a result of being a victim of sex trafficking, prostitution, commercial sexual abuse of a minor, sexual assault, or domestic violence. Requires proof of payment of the victim penalty assessment and payment of any restitution owed to any victim. Excludes certain crimes. <i>Effective Date: July 25, 2021</i>
2SSB 5183 Chapter 269, Laws of 2021	Concerning victims of nonfatal strangulation	Directs the Office of Crime Victims Advocacy to develop best practices for local communities to increase access to forensic nurse examiners for nonfatal strangulation assaults and develop strategies to make forensic nurse examiner training available in all regions of the state. Authorizes the Crime Victim Compensation Program to pay for forensic exams of domestic violence victims of nonfatal strangulation through June 30, 2023. Prohibits charging the victim. Requires the Department of Labor and Industries to report to the Legislature regarding the number, type, and amounts of claims for nonfatal strangulation exams, including the number that involved police reports, and the number that involved sexual assault exams. <i>Effective Date: July 25, 2021</i>
2SSB 5293 Chapter 242, Laws of 2021	Addressing Mental Health Sentencing Alternatives	Creates mental health sentencing alternative (MHSA), which allows a sentencing court to waive the standard range and impose a term of community custody if the defendant is convicted of a felony which is not a serious violent offense or a sex offense; the defendant is diagnosed with a serious mental illness; the defendant and the community would benefit from supervision and treatment; and the defendant is willing to participate in the MHSA. <i>Effective Date: July 25, 2021</i>
E2SSB 5304 Chapter 243, Laws of 2021	Providing reentry services to persons releasing from state and local institutions	A person who is not currently enrolled in medical assistance must be allowed to apply for medical assistance in suspense status during confinement, and the ability to apply may not depend upon knowledge of the release or discharge date of the person. When persons enrolled in medical assistance prior to confinement, or persons who enroll in medical assistance in suspense status during confinement, are released from confinement, their medical assistance coverage must be fully reinstated at the moment of the person's release. Requires the Health Care Authority (HCA) to apply for a federal waiver to provide medical services to persons who are confined in a correctional institution, state hospital, or other treatment facility for up to 30 days prior to the person's release or discharge. Expands definition of "correctional institution" to include juvenile detention centers and facilities operated by the Department of Children, Youth, and Families. Directs HCA to convene a reentry services work group and directs the Washington State Institute for Public Policy to update its previous evaluations of the Reentry Community Services program. <i>Effective Date: July 25, 2021</i>
2SSB 5313 Chapter 280, Laws of 2021	Health Insurance – Gender Affirming Treatment	For health plans issued on or after January 1, 2022, health carriers must not deny or limit coverage for gender affirming treatment when that care is prescribed to an individual because of, related to, or consistent with a protected gender expression or identity, is medically necessary, and is prescribed in accordance with accepted standards of care. A health carrier must not apply categorical cosmetic or blanket exclusions to gender affirming treatment. Beginning January 1, 2022, The Health Care Authority (HCA), managed care plans, and providers that administer or deliver gender-affirming care services through Medicaid programs may not discriminate in the delivery of a service based on the covered person's gender identity or expression. HCA and Medicaid programs may not apply categorical cosmetic or blanket exclusions to gender-affirming treatment. The Office of the Insurance Commissioner, in consultation with the HCA and DOH, must submit a report on geographic access to gender affirming treatment. <i>Effective Date: July 25, 2021</i>
2SSB 5331 Chapter 285, Laws of 2021	Early Childhood Court Programs	Establishes the Early Childhood Court Program (ECCP) which superior courts may implement to serve the needs of infants and toddlers under age three who are dependents, and core components. Creates training requirements for judicial officers training over ECCP cases. Subject to appropriation, the Administrative Office of the Courts shall administer the certification of training requirements and evaluate the ECCPs. <i>Effective Date: July 25, 2021</i>

The Gender & Justice Commission is a judicial branch commission. As a judicial branch commission, positions are not typically taken on proposed legislation, unless it impacts the administration of justice, especially with respect to gender issues.

This legislative update was compiled by staff for informational purposes only.

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