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**HOUSE BILL 1845**

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**State of Washington**

**68th Legislature**

**2023 Regular Session**

**By** Representatives Graham, Mosbrucker, Griffey, and Eslick

Read first time 03/15/23. Referred to Committee on State Government & Tribal Relations.

1 AN ACT Relating to creating an office of the crime victims  
2 ombuds; adding a new chapter to Title 43 RCW; and providing an  
3 expiration date.

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

5 NEW SECTION. **Sec. 1.** (1) The office of the crime victims ombuds  
6 is created. The department of commerce shall contract with a private,  
7 independent nonprofit organization to provide crime victims ombuds  
8 services. The department of commerce shall designate, by a  
9 competitive bidding process, the nonprofit organization that will  
10 contract to operate the ombuds. The selection process must include  
11 consultation of stakeholders in the development of the request for  
12 proposals and evaluation of bids. The selected organization must have  
13 experience and the capacity to effectively communicate regarding  
14 crime victims' issues with policymakers, stakeholders, and the  
15 general public and must be prepared and able to provide all program  
16 and staff support necessary, directly or through subcontracts, to  
17 carry out all duties of the office.

18 (2) The contracting organization and its subcontractors, if any,  
19 are not state agencies or departments, but instead are private,  
20 independent entities operating under contract with the state.

1 (3) The governor or state may not revoke the designation of the  
2 organization contracted to provide the services of the ombuds except  
3 upon a showing of neglect of duty, misconduct, or inability to  
4 perform duties. In the event that the designation is revoked, the  
5 department of commerce shall contract with another private,  
6 independent nonprofit organization to provide crime victims ombuds  
7 services.

8 (4) The department of commerce shall ensure that the ombuds staff  
9 has access to sufficient training or experience with issues relating  
10 to crime victims and the program and staff support necessary to  
11 enable the ombuds to effectively protect the interests of crime  
12 victims. The office of the crime victims ombuds shall have the powers  
13 and duties to do the following:

14 (a) Provide information as appropriate on the rights of persons  
15 receiving crime victims' services, and on the procedures for  
16 providing these services;

17 (b) Refer crime victims to the appropriate element of the  
18 criminal and juvenile justice systems or victim assistance programs,  
19 or both, when services are requested by crime victims or are  
20 necessary as determined by the ombuds;

21 (c) Investigate, upon its own initiative or upon receipt of a  
22 complaint, acts related to a crime victim alleged to be contrary to  
23 the criminal and juvenile justice systems or victim assistance  
24 programs, however, the ombuds may decline to investigate any  
25 complaint, but must give a reason in writing;

26 (d) Monitor the procedures as established, implemented, and  
27 practiced by the department to carry out its responsibilities in the  
28 delivery of services to crime victims;

29 (e) Recommend changes in the procedures for addressing the needs  
30 of crime victims;

31 (f) Establish procedures to protect the confidentiality of  
32 records and sensitive information to ensure that the identity of any  
33 complainant or crime victim will not be disclosed without the written  
34 consent of the complainant or crime victim, or upon court order;

35 (g) Maintain independence and authority within the bounds of the  
36 duties prescribed by this chapter, insofar as this independence and  
37 authority is exercised in good faith and within the scope of  
38 contract; and

39 (h) Carry out such other activities as determined by the  
40 department of commerce within the scope of this chapter.

1 (5) For the purposes of this section, "crime" and "victim" have  
2 the same meaning as in chapter 7.69 RCW.

3 NEW SECTION. **Sec. 2.** (1) The department of commerce's office of  
4 crime victims advocacy shall conduct a survey and analysis of the  
5 appropriate placement outside of state government of the office of  
6 the crime victims ombuds. The survey required shall ascertain how the  
7 contracted placement of the office will most effectively allow it to  
8 meet its responsibilities under this chapter. The survey shall  
9 include, but is not limited to, a complete assessment of how  
10 independently contracting the program outside state government will  
11 provide the office with an effective means for resolving complaints  
12 and building program accountability.

13 (2) In completing the analysis, the office of crime victims  
14 advocacy shall survey existing crime victim advocacy and service  
15 provider agencies regarding how best to increase awareness of the  
16 needs of crime victims and better coordinate delivery services. The  
17 survey shall further examine whether the established rights of  
18 victims, survivors, and witnesses of crimes have led to consistent  
19 advocacy on behalf of crime victims within state government.

20 (3) A draft of the findings shall be submitted to the governor  
21 and the legislature by November 30, 2024, and the final findings,  
22 conclusions, and recommendations shall be submitted in a report to  
23 the governor and the legislature no later than December 30, 2024.

24 NEW SECTION. **Sec. 3.** The provisions of this chapter are in  
25 addition to and do not in any manner limit or affect any other  
26 provisions of law under which any remedy or right of appeal is  
27 provided for any person, or any procedure is provided for the inquiry  
28 into or investigation of any matter. The powers conferred on the  
29 office of the crime victims ombuds may be exercised notwithstanding  
30 any provision of law to the effect that any administrative action  
31 shall be final or unappealable.

32 NEW SECTION. **Sec. 4.** This chapter expires July 1, 2025.

33 NEW SECTION. **Sec. 5.** Sections 1 through 4 of this act  
34 constitute a new chapter in Title 43 RCW.

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