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**SUBSTITUTE SENATE BILL 5477**

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**State of Washington**

**68th Legislature**

**2023 Regular Session**

**By** Senate Law & Justice (originally sponsored by Senators Torres, Trudeau, Braun, Muzzall, Billig, Boehnke, Conway, Dhingra, Frame, Hasegawa, Hunt, Kauffman, Keiser, Kuderer, Liias, Lovelett, Nguyen, Pedersen, Randall, Saldaña, Salomon, Shewmake, Van De Wege, Wagoner, Warnick, and C. Wilson)

1 AN ACT Relating to implementing the recommendations of the  
2 Washington state missing and murdered indigenous women and people  
3 task force; amending RCW 68.50.320; adding a new section to chapter  
4 43.10 RCW; providing an effective date; providing an expiration date;  
5 and declaring an emergency.

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

7 NEW SECTION. **Sec. 1.** A new section is added to chapter 43.10  
8 RCW to read as follows:

9 The Washington state missing and murdered indigenous women and  
10 people task force is established.

11 (1) The task force is composed of members as provided in this  
12 subsection.

13 (a) The president of the senate shall appoint one member from  
14 each of the two largest caucuses of the senate.

15 (b) The speaker of the house of representatives shall appoint one  
16 member from each of the two largest caucuses of the house of  
17 representatives.

18 (c) The governor's office of Indian affairs shall appoint five  
19 representatives from federally recognized Indian tribes in Washington  
20 state.

1 (d) The president of the senate and the speaker of the house of  
2 representatives jointly shall appoint the following:

3 (i) One member representing the Seattle Indian health board;

4 (ii) One member representing the NATIVE project;

5 (iii) One member representing Northwest Portland area Indian  
6 health board;

7 (iv) One member representing the American Indian health  
8 commission;

9 (v) Two indigenous women or family members of indigenous women  
10 that have experienced gender-based violence;

11 (vi) One member representing the governor's office of Indian  
12 affairs;

13 (vii) The chief of the Washington state patrol or his or her  
14 representative;

15 (viii) One member representing the Washington state office of the  
16 attorney general;

17 (ix) One member representing the Washington association of  
18 sheriffs and police chiefs;

19 (x) One member representing the Washington state association of  
20 counties;

21 (xi) One member representing the association of Washington  
22 cities;

23 (xii) One member representing the Washington association of  
24 prosecuting attorneys; and

25 (xiii) One representative of the Washington association of  
26 criminal defense lawyers.

27 (e) Where feasible, the task force may invite and consult with  
28 any entity, agency, or individual deemed necessary.

29 (2) The legislative members shall convene the initial meeting of  
30 the task force no later than the end of 2023 and thereafter convene:

31 (a) A minimum of two subsequent meetings annually. The membership  
32 shall select the task force's cochairs, which must include one  
33 legislator and one nonlegislative member; and

34 (b) One summit annually.

35 (3) The task force shall review the laws and policies relating to  
36 missing and murdered American Indian and Alaska Native people. The  
37 task force shall review current policies and develop recommendations  
38 for the purpose of:

39 (a) Assessing systemic causes behind violence including patterns  
40 and underlying historical, social and economic, institutional, and

1 cultural factors which may contribute to disproportionately high  
2 levels of violence that occur against American Indian and Alaska  
3 Native people and recommending changes to address these systemic  
4 causes;

5 (b) Identifying ways to improve cross-border coordination between  
6 law enforcement and federally recognized tribes that share a border  
7 with Washington state;

8 (c) Assessing and recommending improvements to data tracking and  
9 reporting practices relating to violence against American Indian and  
10 Alaska Native people in Washington state;

11 (d) Making recommendations and best practices for improving:

12 (i) The collection and reporting of data by tribal, local, and  
13 state law enforcement agencies to more effectively understand and  
14 address issues of violence facing American Indian and Alaska Native  
15 people;

16 (ii) Jurisdictional and data-sharing issues on tribal reservation  
17 land and urban areas that impact gender-based violence against  
18 American Indian and Alaska Native people;

19 (iii) The collaboration and coordination between law enforcement  
20 agencies and federal, state, county, local, and tribal social and  
21 health services; and

22 (iv) Strategies and practices to improve communication and  
23 transparency with family members in missing and murdered indigenous  
24 women and people cases;

25 (e) Reviewing prosecutorial trends and practices relating to  
26 crimes of violence against American Indian and Alaska Native people  
27 in Washington state, identifying disparities, and recommending  
28 changes to address such disparities;

29 (f) Identifying barriers to providing more state resources in  
30 tracking and addressing violence against American Indian and Alaska  
31 Native people and reducing the incidences of violence;

32 (g) Assessing and identifying state resources to support programs  
33 and services for survivors, impacted family members, and tribal and  
34 urban Indian service providers working with American Indian and  
35 Alaska Native people who have experienced violence and identifying  
36 needs of survivors, impacted family members, and tribal and urban  
37 Indian service providers that are not currently being met;

38 (h) Identifying and making recommendations for increasing state  
39 resources for trainings on culturally attuned best practices for  
40 working with American Indian and Alaska Native communities for

1 tribal, local, and state law enforcement personnel in Washington  
2 state; and

3 (i) Supporting efforts led by American Indian and Alaska Native  
4 people to address this crisis, with the recognition that those  
5 personally impacted are already doing critical work to address the  
6 impacts of the missing and murdered indigenous women and people  
7 crisis in communities and that community-led work must be centered in  
8 order to identify and fully address the scope of the issue.

9 (4) The task force, with the assistance of the Washington state  
10 office of the attorney general, must consult with federally  
11 recognized tribes in Washington state and in states bordering  
12 Washington state, and engage with urban Indian organizations to  
13 submit a status report including any findings, recommendations, and  
14 progress updates to the governor and the appropriate committees of  
15 the legislature by August 1, 2023, by August 1st each year  
16 thereafter, and a final report by June 1, 2025.

17 (5) (a) The office of the attorney general administers and  
18 provides staff support to the task force, organizes the summit  
19 required under subsection (2) (b) of this section, and oversees the  
20 development of the task force reports required under subsection (4)  
21 of this section. The task force and the office of the attorney  
22 general shall conduct eight site visits in different locations across  
23 the state in collaboration with tribes and native-led organizations.  
24 The office of the attorney general may contract for the summit.

25 (b) The office of the attorney general may, when deemed necessary  
26 by the task force, retain consultants to provide data analysis,  
27 research, recommendations, training, and other services to the task  
28 force for the purposes provided in subsection (3) of this section.

29 (c) The office of the attorney general may share and exchange  
30 information received or created on behalf of the task force with  
31 other states, federally recognized Indian tribes, urban Indian  
32 organizations, and other national groups working on missing and  
33 murdered indigenous women and people issues.

34 (d) The office of the attorney general must coordinate with the  
35 task force to create and update a missing and murdered indigenous  
36 women and people resource. The resource must include:

37 (i) Instructions on how to report a missing indigenous woman or  
38 person;

39 (ii) General information about the investigative processes in  
40 missing and murdered indigenous women and people cases;

1 (iii) Best practices for family members in missing and murdered  
2 indigenous women and people cases when working with law enforcement;  
3 and

4 (iv) Other useful information and resources.

5 (6) Legislative members of the task force are reimbursed for  
6 travel expenses in accordance with RCW 44.04.120. Nonlegislative  
7 members are not entitled to be reimbursed for travel expenses if they  
8 are elected officials or are participating on behalf of an employer,  
9 governmental entity, or other organization. Any reimbursement for  
10 other nonlegislative members is subject to chapter 43.03 RCW.

11 (7) To ensure that the task force has diverse and inclusive  
12 representation of those affected by its work, task force members  
13 whose participation in the task force may be hampered by financial  
14 hardship may apply for a stipend in an amount not to exceed \$100 for  
15 each day during which the member attends an official meeting of the  
16 task force or performs statutorily prescribed duties approved by the  
17 office of the attorney general. A person shall not receive  
18 compensation for a day of service under this section if the person:

19 (a) Occupies a position, normally regarded as full-time in  
20 nature, in any agency of the federal government, Washington state  
21 government, or Washington state local government; and

22 (b) Receives any compensation from such government for working  
23 that day. The office of the attorney general, by staffing the task  
24 force, is authorized to assess eligibility for the stipend as limited  
25 by available financial resources.

26 (8) This section expires June 30, 2025.

27 **Sec. 2.** RCW 68.50.320 and 2022 c 251 s 5 are each amended to  
28 read as follows:

29 When a person reported missing has not been found within thirty  
30 days of the report, or at any time the investigating agency suspects  
31 criminal activity to be the basis of the victim being missing, the  
32 sheriff, chief of police, county coroner or county medical examiner,  
33 or other law enforcement authority initiating and conducting the  
34 investigation for the missing person shall: (1) File a missing  
35 person's report with the Washington state patrol missing and  
36 unidentified persons unit; (2) initiate the collection of DNA samples  
37 from the known missing person and their family members for nuclear  
38 and mitochondrial DNA testing along with the necessary consent forms;  
39 (3) ask the missing person's family or next of kin to give written

1 consent to contact the dentist or dentists of the missing person and  
2 request the person's dental records; ~~((and))~~ (4) enter the case into  
3 the national crime information center system through the Washington  
4 state patrol electronic database; and (5) enter the case into the  
5 national missing and unidentified persons system. Upon knowledge from  
6 the national crime information center system, the Washington state  
7 patrol's crime information center, or similar or subsequent  
8 authority, that a person in custody at a jail, or being released from  
9 custody, is the subject of a missing person's report, the jail shall  
10 notify the agency of original jurisdiction for the missing person's  
11 report.

12 The missing person's dentist or dentists shall provide diagnostic  
13 quality copies of the missing person's dental records or original  
14 dental records to the sheriff, chief of police, county coroner or  
15 county medical examiner, or other law enforcement authority, when  
16 presented with the written consent from the missing person's family  
17 or next of kin or with a statement from the sheriff, chief of police,  
18 county coroner or county medical examiner, or other law enforcement  
19 authority that the missing person's family or next of kin could not  
20 be located in the exercise of due diligence or that the missing  
21 person's family or next of kin refuse to consent to the release of  
22 the missing person's dental records and there is reason to believe  
23 that the missing person's family or next of kin may have been  
24 involved in the missing person's disappearance.

25 As soon as possible after collecting the DNA samples, the  
26 sheriff, chief of police, or other law enforcement authority shall  
27 submit the DNA samples to the appropriate laboratory. Dental records  
28 shall be submitted as soon as possible to the Washington state patrol  
29 missing and unidentified persons unit.

30 The descriptive information from missing person's reports and  
31 dental data submitted to the Washington state patrol missing and  
32 unidentified persons unit shall be recorded and maintained by the  
33 Washington state patrol missing and unidentified persons unit in the  
34 applicable dedicated missing person's databases.

35 When a person reported missing has been found, the sheriff, chief  
36 of police, coroner or medical examiner, or other law enforcement  
37 authority shall report such information to the Washington state  
38 patrol.

39 The dental identification system shall maintain a file of  
40 information regarding persons reported to it as missing. The file

1 shall contain the information referred to in this section and such  
2 other information as the Washington state patrol finds relevant to  
3 assist in the location of a missing person.

4 The files of the dental identification system shall, upon  
5 request, be made available to law enforcement agencies attempting to  
6 locate missing persons.

7 NEW SECTION. **Sec. 3.** This act is necessary for the immediate  
8 preservation of the public peace, health, or safety, or support of  
9 the state government and its existing public institutions, and takes  
10 effect June 1, 2023.

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