
BILL REQUEST - CODE REVISER'S OFFICE

BILL REQ. #: S-0007.3/21 3rd draft

ATTY/TYPIST: KS:jlb

BRIEF DESCRIPTION: Creating a confidential youth safety and well-being tip line.

1 AN ACT Relating to a confidential youth safety and well-being tip
2 line; adding a new chapter to Title 43 RCW; and prescribing
3 penalties.

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

5 NEW SECTION. **Sec. 1.** The definitions in this section apply
6 throughout this chapter unless the context clearly requires
7 otherwise.

8 (1) "Attorney general" means the office of the Washington state
9 attorney general.

10 (2) "Fund" means the community mental health safety fund created
11 in section 7 of this act.

12 (3) (a) "Service provider" means a person or entity participating
13 in the YES tip line program and YES tip line established in section 2
14 of this act by:

15 (i) Providing direct assistance to persons referred through the
16 YES tip line's operations; and

17 (ii) Implementing a coordinated response to the YES tip line
18 referral according to the protocols and procedures of the YES tip
19 line program.

1 (b) Service providers include, but are not limited to, behavioral
2 health providers, community mental health entities, schools, and
3 postsecondary institutions.

4 (4) "Vendor" means the entity contracted to operate the YES tip
5 line under section 3 of this act.

6 (5) "Warm transfer" means the timely referral by the YES tip line
7 staff to the service provider in response to a tip. A warm transfer
8 includes, but is not limited to, a direct and successful connection
9 between the person supplying the tip and the service provider, and,
10 when appropriate, a separate alert to emergency services or other
11 responding entities as required by the YES tip line response
12 procedures.

13 (6) "YES tip line" means the youth empowered to speak-up
14 statewide resource designed to accept information concerning risks to
15 the safety or well-being of youth as part of the YES tip line program
16 established in section 2 of this act and operated by the YES tip line
17 vendor.

18 (7) "Youth" means any person or persons less than 25 years old.

19 NEW SECTION. **Sec. 2.** (1) To the extent that funds are
20 appropriated for this purpose, the attorney general shall establish a
21 program for receiving and responding to tips from the public
22 regarding risks or potential risks to the safety or well-being of
23 youth, called the YES tip line program. Risks to safety or well-being
24 may include, but are not limited to, harm or threats of harm to self
25 or others, sexual abuse, assault, rape, bullying or cyberbullying,
26 substance use, and criminal acts. The attorney general shall
27 establish the program within the guidelines of this chapter.

28 (2)(a) The YES tip line program must include a YES tip line for
29 receiving reports and information described in subsection (1) of this
30 section. Any person contacting the YES tip line, whether for
31 themselves or for another person, must receive timely assistance and
32 not be turned away.

33 (b) The YES tip line shall be operated by a vendor selected by
34 the attorney general through the contracting process described in
35 section 3 of this act.

36 (3)(a) During the development and implementation of the YES tip
37 line program the attorney general shall convene an advisory committee
38 consisting of representatives from the Washington state patrol, the
39 department of health, the health care authority, the office of the

1 superintendent of public instruction, the Washington student
2 achievement council, the Washington association of educational
3 service districts, and other participants the attorney general
4 appoints.

5 (b) Youth perspectives must be included and consulted in creating
6 marketing campaigns and materials required for the YES tip line
7 program. The insights of youth representing marginalized and minority
8 communities must be prioritized for their invaluable insight.

9 (4) The attorney general oversees and administers the YES tip
10 line program's operations.

11 (5) The attorney general is authorized to apply for, receive, and
12 administer grants and donations from public and private entities for
13 the purpose and intent of this chapter.

14 (6) The attorney general shall develop and implement processes
15 for:

16 (a) Assessing tips based on the level of severity, urgency, and
17 assistance needed using best triage practices including the YES tip
18 line:

19 (i) Risk assessment for referral of persons contacting the YES
20 tip line to service providers;

21 (ii) Threat assessment that identifies circumstances requiring
22 the YES tip line to alert law enforcement, mental health services, or
23 other first responders immediately when immediate emergency response
24 to a tip is warranted; and

25 (iii) Referral and follow-up on tips to schools or postsecondary
26 institution teams, local crisis services, law enforcement, and other
27 entities;

28 (b) YES tip line information data retention and reporting
29 requirements; and

30 (c) Systematic review, analysis, and reporting by the YES tip
31 line program of YES tip line data including, but not limited to,
32 reporting program utilization and evaluating whether the YES tip line
33 is being implemented equitably across the state.

34 (7) The attorney general shall ensure that YES tip line program
35 personnel are trained in the following areas:

36 (a) Crisis management, including recognizing mental illness and
37 emotional disturbance;

38 (b) The resources that are available in the community for
39 providing mental health treatment and other human services; and

1 (c) Other matters determined by the attorney general to be
2 relevant to the administration and operation of the program.

3 (8) The YES tip line program must develop and maintain a
4 reference and best practices tool kit for law enforcement and mental
5 health officials that:

6 (a) Identifies statewide and community mental health resources,
7 services, and contacts;

8 (b) Provides the attorney general's best practice recommendations
9 for case investigations involving safety and well-being of youth to:

10 (i) Assist in identifying whether mental illness or emotional
11 disturbance may be involved; and

12 (ii) Provide strategies for investigators to use in aiding
13 subjects and their parents or guardians.

14 (9) The YES tip line program must promote and market the program
15 and YES tip line to youth, families, community members, schools, and
16 others statewide to build awareness of the program's resources and
17 the YES tip line. The attorney general may promote the YES tip line
18 program and YES tip line and provide promotional materials and
19 information on the attorney general's website.

20 NEW SECTION. **Sec. 3.** (1)(a) The attorney general shall develop
21 and issue a request for proposals to identify and select a qualified
22 vendor to operate the YES tip line. The attorney general has sole
23 authority over the contracting process and the contract award
24 decision. This subsection does not prohibit the Washington state
25 patrol from submitting a proposal to operate the YES tip line.

26 (b) Any vendor contracting to perform work necessary to implement
27 or sustain the YES tip line program must comply with RCW 41.06.142.

28 (2)(a) The YES tip line contract must require the vendor to be
29 bound by the requirements of this chapter, including the
30 confidentiality provisions in section 4 of this act.

31 (b) The state of Washington owns the data and information
32 produced from the YES tip line. The vendor must comply with the
33 state's data retention, use, and security requirements throughout the
34 contract and for such additional postcontracting use as directed by
35 the state.

36 (c)(i) The YES tip line must directly integrate service providers
37 into its operations so that YES tip line staff provide a warm
38 transfer of a caller to a service provider to assist them.

1 (ii) The YES tip line operator must collaborate with school
2 districts and postsecondary education sectors to determine how to
3 implement the YES tip line and how schools and institutions will
4 respond when tips are referred. Teams at each school and
5 postsecondary institutions must be identified and trained by the YES
6 tip line vendor to respond when they receive a YES tip line referral.

7 (d) The YES tip line must use as many methods of communication
8 and information formats as possible including, but not limited to,
9 toll-free telephone or other voice calling, electronic mail, mobile
10 applications, text messaging, postal mail, photo and video imaging,
11 and information forwarded through a website as determined by the
12 attorney general.

13 (e) The YES tip line must be staffed with sufficient personnel
14 and technical capacity to meet the needs for timely assistance to
15 persons who contact the YES tip line for assistance 24 hours a day,
16 365 days a year.

17 NEW SECTION. **Sec. 4.** (1) The identity of the person submitting
18 a tip is confidential subject to the exceptions provided in this
19 chapter. Anonymous tips will be accepted if the person submitting the
20 tip refuses to identify themselves. The YES tip line program must
21 establish procedures authorizing a breach of confidentiality to trace
22 the tip so that first responders have necessary information when
23 there is a specific emergency threat to life.

24 (2) Any report or information submitted to the YES tip line is
25 confidential, and must not be released except as otherwise provided
26 in this chapter.

27 (3) The personally identifying information of any person
28 submitting a tip and the individual or individuals who are the
29 subject of a tip are not subject to disclosure under chapter 42.56
30 RCW, the public records act.

31 (4) Any information submitted to the YES tip line and forwarded
32 by the vendor to a law enforcement official or to a mental health
33 official is confidential, and must not be released except as
34 otherwise provided in this chapter. The information is not subject to
35 disclosure under chapter 42.56 RCW, the public records act.

36 (5) A person who intentionally discloses information to another
37 person in violation of this section is guilty of a misdemeanor
38 punishable by imprisonment for not more than 90 days or a fine of not
39 more than \$500, or both.

1 (6) If a risk assessment of a tip to the YES tip line does not
2 result in a referral to a service provider, or if a law enforcement
3 investigation concludes that no action is warranted to respond to the
4 tip, the name of the tip's subject must be expunged from the records
5 of the entities involved in the YES tip line contact, except as
6 otherwise provided by law.

7 NEW SECTION. **Sec. 5.** Information regarding a YES tip line
8 contact, including any personally identifying information, may be
9 disclosed as follows:

10 (1) By either of the following as necessary for purposes of this
11 chapter and as necessary to address reports and information received
12 under this chapter:

13 (a) The vendor and its employees performing their duties
14 according to the procedures developed by the YES tip line program; or

15 (b) The attorney general, law enforcement agencies, the health
16 care authority, and community mental health service programs, and
17 their employees performing their authorized duties. However, this
18 subsection (1)(b) does not allow the disclosure of information that
19 would identify the person who submitted the report or information to
20 the YES tip line;

21 (2) With the permission of the subject of the information or, if
22 the subject is a minor, with the permission of the minor and their
23 parent or guardian; or

24 (3) Pursuant to a court order issued under section 6 of this act.

25 NEW SECTION. **Sec. 6.** (1) A person who is charged with a
26 criminal offense as a result of a YES tip line contact may petition
27 the court for disclosure of the information from the YES tip line
28 contact, including any personally identifying information, as
29 provided in this subsection. The person charged must notify the
30 prosecuting attorney for the county having jurisdiction and the
31 attorney general of the petition not less than seven days before the
32 hearing on the petition, or as otherwise provided by the court. The
33 attorney general and the county prosecutor have the right to appear
34 in the proceedings.

35 (2) The court may conduct a hearing on the petition. The court
36 must hear the matter in chambers outside of the petitioner's
37 presence. If the court determines that the YES tip line information
38 is relevant to the criminal proceedings and essential to a fair

1 trial, the court may order the disclosure of the information. The
2 court may limit the release and use of the information, including any
3 personally identifying information, in whole or in part.

4 (3) If the prosecuting attorney reasonably believes that the YES
5 tip line information was falsely provided through the YES tip line,
6 the prosecuting attorney may petition the court to disclose the
7 report or information, including any personally identifying
8 information. The prosecuting attorney must notify the attorney
9 general not less than seven days before a hearing on the petition, or
10 as otherwise provided by the court. The attorney general has the
11 right to appear at the hearing on the prosecuting attorney's
12 petition. If the court determines a reasonable basis exists to
13 believe that the information was falsely provided, the court may
14 order disclosure of the information, including any personally
15 identifying information. The court may limit the release and use of
16 the information, including any personally identifying information, in
17 whole or in part.

18 (4) The attorney general may also appear in any other action to
19 oppose the release of information obtained under section 2 of this
20 act through a YES tip line contact, including any personally
21 identifying information.

22 NEW SECTION. **Sec. 7.** (1) The community mental health safety
23 fund is created in the custody of the state treasurer.

24 (2) The state treasurer may receive money or other assets from
25 any source for deposit into the fund. The state treasurer shall
26 credit to the fund interest and earnings from fund investments to the
27 fund.

28 (3) Money in the fund at the close of the fiscal year must remain
29 in the fund and not lapse to the general fund.

30 (4) The attorney general is the administrator of the fund for
31 auditing purposes.

32 (5) The attorney general may expend money from the fund, upon
33 appropriation, only:

34 (a) To pay the costs of the attorney general for administering
35 this chapter;

36 (b) To pay the vendor under the YES tip line operations contract;

37 (c) To market and provide public outreach for the YES tip line
38 program, including the YES tip line and the program website operated
39 by the attorney general; and

1 (d) For the YES tip line program's training costs as described in
2 section 2 of this act.

3 (6) Money shall not be expended for any marketing materials or
4 promotions that targets a media market in this state and refers to or
5 uses the image or voice of an elected official, appointed state
6 employee, state employee governed by a senior executive service
7 limited term employment agreement, or candidate for elective office.

8 NEW SECTION. **Sec. 8.** (1) The attorney general, in consultation
9 with the health care authority and the vendor, shall file a report by
10 July 31st of each year with the governor, the secretary of the
11 senate, the chief clerk of the house of representatives, the clerk of
12 the senate standing committee on ways and means, and the clerk of the
13 house standing committee on appropriations. The attorney general must
14 post each annual report on its website. The report must include the
15 following information:

16 (a) The number of YES tip line contacts;

17 (b) The number of YES tip line contacts referred to local law
18 enforcement;

19 (c) The number of YES tip line contacts referred to mental health
20 services;

21 (d) The nature of the YES tip line contacts and information
22 received by the YES tip line by category established by the attorney
23 general;

24 (e) The local responses to YES tip line contacts by category
25 established by the attorney general;

26 (f) The source of all funds deposited in the community mental
27 health safety fund;

28 (g) The attorney general's itemized costs and expenditures to
29 implement the YES tip line program established in this chapter;

30 (h) The Washington state patrol's itemized costs and expenditures
31 to implement the YES tip line program established in this chapter;

32 (i) The vendor's contributions, costs, and expenditures under the
33 YES tip line operations contract; and

34 (j) An analysis of the YES tip line program's overall
35 effectiveness in addressing potential self-harm, potential harm to
36 others, or criminal acts.

37 (2) To the extent authorized by law, any state agency, political
38 subdivision of the state, or higher education or school entity
39 possessing data or information needed to produce the annual report to

1 the governor and legislature must provide the data or information to
2 the attorney general.

3 NEW SECTION. **Sec. 9.** Sections 1 through 8 of this act
4 constitute a new chapter in Title 43 RCW.

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