

HOUSE BILL ANALYSIS

HB 1589

Title: An act relating to crime victim rights.

Brief Description: Allowing a crime victim to have an advocate present at any judicial proceeding.

Sponsors: Representatives Robertson, Costa, Radcliff, Cody, Scott, Cole, Skinner, Lantz, Constantine, Delvin, K. Schmidt, Murray, Hankins, Blalock, Hatfield, Wensman, O'Brien, Linville, Cooke, Ogden, Sheldon, Kessler and Kenney.

HOUSE COMMITTEE ON LAW & JUSTICE

Staff: David Bowman (786-7291); Bill Perry (786-7123).

Background: The Legislature has recognized not only the impact of crime on victims, survivors of victims, and witnesses of crime, but also the civic and moral duty of those individuals to fully and voluntarily cooperate with law enforcement and prosecutorial agencies. RCW 7.69.010 (1996); Laws of 1985, Chapter 443, Section 3.

In 1989, the Legislature amended the Washington Constitution to grant certain rights to crime victims. Article 1, Section 35 of the state constitution provides that a victim of a crime has the right to be informed of and, subject to the discretion of the presiding judge, attend trial and all other court proceedings the defendant has the right to attend. Const. art. 1, § 35, eff. Dec. 7, 1989. The constitutional amendment further provides that if the victim is deceased, incompetent, a minor, or is otherwise unavailable, the prosecuting attorney may identify a representative to attend judicial proceedings and exercise the victim's rights.

A Washington statute has also provided that there must be a reasonable effort to ensure certain rights of crime victims. RCW 7.69.030. Among other things, there must be a reasonable effort to ensure the right of a victim of a violent or sex crime to have a crime victim advocate present at any prosecutorial or defense interview with the victim. The right to have a crime victim advocate present applies if the presiding judge determines that it is practical and would not cause an unnecessary delay in the investigation or prosecution of the case. The role of the crime victim advocate is to provide emotional support to the victim.

Crime victim advocates must be trained by a crime victim/witness program to represent a victim during judicial proceedings. RCW 7.69.020. A crime victim/witness program is any crime victim advocacy program that trains advocates to assist crime victims during the investigation and prosecution of a crime.

Summary of Bill: The proceedings at which a crime victim advocate's presence may be allowed are expanded. There must be a reasonable effort to ensure the right of a victim of a violent or sex crime to have a crime victim advocate present at any prosecutorial or defense interview with the victim, and at any judicial proceeding related to criminal acts committed against the victim. The right to have a crime victim advocate present applies if the presiding judge determines that it is practical and would not cause an unnecessary delay in the investigation or prosecution of the case.

Fiscal Note: Not requested.

Effective Date: The bill contains an emergency clause and takes effect immediately.