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HOUSE BILL 1589

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State of Washington

55th Legislature

1997 Regular Session

By 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

Read first time 01/31/97. Referred to Committee on Law & Justice.

1 AN ACT Relating to crime victim rights; amending RCW 7.69.030; and  
2 declaring an emergency.

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

4 **Sec. 1.** RCW 7.69.030 and 1993 c 350 s 6 are each amended to read  
5 as follows:

6 There shall be a reasonable effort made to ensure that victims,  
7 survivors of victims, and witnesses of crimes have the following  
8 rights:

9 (1) With respect to victims of violent or sex crimes, to receive,  
10 at the time of reporting the crime to law enforcement officials, a  
11 written statement of the rights of crime victims as provided in this  
12 chapter. The written statement shall include the name, address, and  
13 telephone number of a county or local crime victim/witness program, if  
14 such a crime victim/witness program exists in the county;

15 (2) To be informed by local law enforcement agencies or the  
16 prosecuting attorney of the final disposition of the case in which the  
17 victim, survivor, or witness is involved;

1 (3) To be notified by the party who issued the subpoena that a  
2 court proceeding to which they have been subpoenaed will not occur as  
3 scheduled, in order to save the person an unnecessary trip to court;

4 (4) To receive protection from harm and threats of harm arising out  
5 of cooperation with law enforcement and prosecution efforts, and to be  
6 provided with information as to the level of protection available;

7 (5) To be informed of the procedure to be followed to apply for and  
8 receive any witness fees to which they are entitled;

9 (6) To be provided, whenever practical, a secure waiting area  
10 during court proceedings that does not require them to be in close  
11 proximity to defendants and families or friends of defendants;

12 (7) To have any stolen or other personal property expeditiously  
13 returned by law enforcement agencies or the superior court when no  
14 longer needed as evidence. When feasible, all such property, except  
15 weapons, currency, contraband, property subject to evidentiary  
16 analysis, and property of which ownership is disputed, shall be  
17 photographed and returned to the owner within ten days of being taken;

18 (8) To be provided with appropriate employer intercession services  
19 to ensure that employers of victims, survivors of victims, and  
20 witnesses of crime will cooperate with the criminal justice process in  
21 order to minimize an employee's loss of pay and other benefits  
22 resulting from court appearance;

23 (9) To access to immediate medical assistance and not to be  
24 detained for an unreasonable length of time by a law enforcement agency  
25 before having such assistance administered. However, an employee of  
26 the law enforcement agency may, if necessary, accompany the person to  
27 a medical facility to question the person about the criminal incident  
28 if the questioning does not hinder the administration of medical  
29 assistance;

30 (10) With respect to victims of violent and sex crimes, to have a  
31 crime victim advocate from a crime victim/witness program present at  
32 any prosecutorial or defense interviews with the victim, and at any  
33 judicial proceedings related to criminal acts committed against the  
34 victim. This subsection applies if practical and if the presence of  
35 the crime victim advocate does not cause any unnecessary delay in the  
36 investigation or prosecution of the case. The role of the crime victim  
37 advocate is to provide emotional support to the crime victim;

38 (11) With respect to victims and survivors of victims, to be  
39 physically present in court during trial, or if subpoenaed to testify,

1 to be scheduled as early as practical in the proceedings in order to be  
2 physically present during trial after testifying and not to be excluded  
3 solely because they have testified;

4 (12) With respect to victims and survivors of victims, to be  
5 informed by the prosecuting attorney of the date, time, and place of  
6 the trial and of the sentencing hearing for felony convictions upon  
7 request by a victim or survivor;

8 (13) To submit a victim impact statement or report to the court,  
9 with the assistance of the prosecuting attorney if requested, which  
10 shall be included in all presentence reports and permanently included  
11 in the files and records accompanying the offender committed to the  
12 custody of a state agency or institution;

13 (14) With respect to victims and survivors of victims, to present  
14 a statement personally or by representation, at the sentencing hearing  
15 for felony convictions; and

16 (15) With respect to victims and survivors of victims, to entry of  
17 an order of restitution by the court in all felony cases, even when the  
18 offender is sentenced to confinement, unless extraordinary  
19 circumstances exist which make restitution inappropriate in the court's  
20 judgment.

21 NEW SECTION. **Sec. 2.** This act is necessary for the immediate  
22 preservation of the public peace, health, or safety, or support of the  
23 state government and its existing public institutions, and takes effect  
24 immediately.

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