

CERTIFICATION OF ENROLLMENT

HOUSE BILL 1589

Chapter 343, Laws of 1997

55th Legislature
1997 Regular Session

PRESENCE OF CRIME VICTIM ADVOCATES AT JUDICIAL PROCEEDINGS

EFFECTIVE DATE: 7/27/97

Passed by the House April 19, 1997
Yeas 92 Nays 0

CLYDE BALLARD
**Speaker of the
House of Representatives**

Passed by the Senate April 10, 1997
Yeas 46 Nays 0

BRAD OWEN
President of the Senate

Approved May 13, 1997

GARY LOCKE
Governor of the State of Washington

CERTIFICATE

I, Timothy A. Martin, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 1589** as passed by the House of Representatives and the Senate on the dates hereon set forth.

TIMOTHY A. MARTIN
Chief Clerk

FILED

May 13, 1997 - 2:28 p.m.

**Secretary of State
State of Washington**

HOUSE BILL 1589

Passed Legislature - 1997 Regular Session

AS AMENDED BY THE SENATE

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; and amending RCW 7.69.030.

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

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

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

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

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

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

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

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

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

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

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

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

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

35 (11) With respect to victims and survivors of victims, to be
36 physically present in court during trial, or if subpoenaed to testify,
37 to be scheduled as early as practical in the proceedings in order to be
38 physically present during trial after testifying and not to be excluded
39 solely because they have testified;

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

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

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

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

Passed the House April 19, 1997.

Passed the Senate April 10, 1997.

Approved by the Governor May 13, 1997.

Filed in Office of Secretary of State May 13, 1997.