

# SENATE BILL REPORT

## SB 5639

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As of February 19, 1999

**Title:** An act relating to investigations or interviews involving children.

**Brief Description:** Investigating or interviewing children.

**Sponsors:** Senators Kohl-Welles, McCaslin, Heavey, Franklin, Gardner, Goings, Roach, Rasmussen and McAuliffe.

**Brief History:**

**Committee Activity:** Judiciary: 2/22/99.

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### SENATE COMMITTEE ON JUDICIARY

**Staff:** Penny Nerup (786-7484)

**Background:** Following their recent studies of interviewing techniques used to obtain testimony from child victims or witnesses of sexual abuse, the American Civil Liberties Union and the Office of the Family and Children's Ombudsman suggest that changes concerning these interviews be added to current law in order to ensure the accuracy, credibility and reliability of those interviews and to improve the quality of child abuse investigations and record keeping.

**Summary of Bill:** Persons interviewing child victims or witnesses must use an open-ended question and answer format and must record the interview either electronically or by use of a court stenographer. The Department of Social and Health Services (DSHS) or law enforcement must maintain and periodically review their records of child interviews.

Agencies, including DSHS, law enforcement, county prosecutors, and city attorneys, must also make and maintain a verbatim record of child interviews. Knowingly failing to maintain or destroying these records is a gross misdemeanor.

Videotapes of child victims may not be released absent a court order, even if the subject has consented to the release. The court can place restrictions on distribution of the videotape in order to protect the privacy of the child victim.

The Criminal Justice Training Commission is required to provide training for those persons investigating child sexual abuse allegations. Public employees and volunteers must be certified by the Criminal Justice Training Commission as having completed this training prior to conducting investigations or interviews of child victims of sexual abuse.

**Appropriation:** None.

**Fiscal Note:** Requested on February 19, 1999.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.