

FINAL BILL REPORT

SSB 5360

C 350 L 93

SYNOPSIS AS ENACTED

Brief Description: Creating new procedures for reporting domestic violence.

SPONSORS: Senate Committee on Law & Justice (originally sponsored by Senators A. Smith, Roach, Spanel, M. Rasmussen, Winsley and von Reichbauer)

SENATE COMMITTEE ON LAW & JUSTICE

HOUSE COMMITTEE ON JUDICIARY

HOUSE COMMITTEE ON APPROPRIATIONS

BACKGROUND:

The final report of the Domestic Violence Task Force included recommendations that the Legislature mandate the use of simplified form protection orders, require instructions and brochures explaining the process for obtaining a protection order, and provide for the translation of these items for non-English speaking persons. The task force also recommended that the Legislature require statewide collection of law enforcement data identifying all incidents of domestic violence. These proposals were included in legislation considered in the 1992 session, but were vetoed by the Governor due to a lack of funding.

Adult and child victims of crime, survivors of victims, and witnesses have certain rights under the Washington State Constitution and as provided in statute. Reasonable efforts must be made to ensure that victims and survivors of victims are able to exercise their rights. These rights include: (1) the right to be informed of the final disposition of the case; (2) the right to attend the proceedings; (3) the right to a secure waiting area while waiting to testify; (4) the right to make a victim impact statement at trial sentencing; and (5) in the case of child victims, the right to have a crime victim advocate attend the trial with a child.

SUMMARY:

The Legislature finds that domestic violence is a problem of immense proportions, that the existing protection order process should be refined to require the use of standard forms, and that information should be translated for use by non-English speaking persons. To assist in policy formulation, data about reported incidents of domestic violence needs to be gathered from law enforcement.

By July 1, 1994, the Administrator for the Courts, in consultation with interested persons, is required to prepare instructions, informational brochures, standard petition and order for protection forms, and a court staff handbook on domestic violence. The petition and order forms must be used for all protection orders sought after September 1, 1994.

The Administrator for the Courts must translate the instructions and brochures into specified foreign languages. The translated material must be delivered to court clerks by January 1, 1995. This requirement is null and void unless funding is provided in the budget. (**Note:** Because funding was not provided in the 1993-95 biennial budget, these provisions do not take effect.)

Beginning January 1, 1994, all law enforcement agencies must submit records of incidents of domestic violence to the Washington Association of Sheriffs and Police Chiefs. A compilation of this data must be included in the annual report of crime produced by the association.

Additional rights are provided to adult and child victims of violent or sex offenses. Reasonable efforts must be made to give the victim a written statement of the victim's rights. The statement should include the name, address, and telephone number of a county or local crime victim/witness program, if such a program exists. If the victim is a child, the statement may either be given to the child or to the child's parent or guardian, if appropriate. The statement should be given when the victim reports the crime. Crime victim/witness programs are defined.

Reasonable efforts must also be made to have a crime victim advocate from a crime victim/witness program present at any prosecutorial or defense interviews with the victim. This requirement applies only if the presence of the crime victim advocate does not cause delay in the investigation or prosecution of the case. The role of the advocate is to provide emotional support to the victim.

VOTES ON FINAL PASSAGE:

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| Senate | 47 | 0 | |
| House | 98 | 0 | (House amended) |
| Senate | 44 | 0 | (Senate concurred) |

EFFECTIVE: July 25, 1993