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SENATE BILL 5009

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State of Washington

53rd Legislature

1993 Regular Session

By Senators Nelson and Winsley

Read first time 01/11/93. Referred to Committee on Law & Justice.

1 AN ACT Relating to the rights of victims; and amending RCW  
2 7.69.030.

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

4 **Sec. 1.** RCW 7.69.030 and 1985 c 443 s 3 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) To be informed by local law enforcement agencies or the  
10 prosecuting attorney of the final disposition of the case in which the  
11 victim, survivor, or witness is involved;

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

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

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

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

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

10 (7) To be provided with appropriate employer intercession services  
11 to ensure that employers of victims, survivors of victims, and  
12 witnesses of crime will cooperate with the criminal justice process in  
13 order to minimize an employee's loss of pay and other benefits  
14 resulting from court appearance;

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

22 (9) With respect to victims and survivors of victims, to be  
23 physically present in court during trial, or if subpoenaed to testify,  
24 to be scheduled as early as practical in the proceedings in order to be  
25 physically present during trial after testifying and not to be excluded  
26 solely because they have testified;

27 (10) With respect to victims and survivors of victims, to be  
28 informed by the prosecuting attorney of the date, time, and place of  
29 the trial and of the sentencing hearing for felony convictions upon  
30 request by a victim or survivor;

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

36 (12) With respect to victims and survivors of victims, to present  
37 a statement personally or by representation, at ~~((the))~~ all sentencing  
38 hearings for felony convictions, including special sentencing

1 proceedings in cases where the prosecution has requested the death  
2 penalty; and

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

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