

2 HB 1589 - S COMM AMD
3 By Committee on Law & Justice

4 ADOPTED 4/10/97

5 Strike everything after the enacting clause and insert the
6 following:

7 "Sec. 1. RCW 7.69.030 and 1993 c 350 s 6 are each amended to read
8 as follows:

9 There shall be a reasonable effort made to ensure that victims,
10 survivors of victims, and witnesses of crimes have the following
11 rights:

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

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

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

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

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

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

32 (7) To have any stolen or other personal property expeditiously
33 returned by law enforcement agencies or the superior court when no
34 longer needed as evidence. When feasible, all such property, except
35 weapons, currency, contraband, property subject to evidentiary

1 analysis, and property of which ownership is disputed, shall be
2 photographed and returned to the owner within ten days of being taken;

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

8 (9) To access to immediate medical assistance and not to be
9 detained for an unreasonable length of time by a law enforcement agency
10 before having such assistance administered. However, an employee of
11 the law enforcement agency may, if necessary, accompany the person to
12 a medical facility to question the person about the criminal incident
13 if the questioning does not hinder the administration of medical
14 assistance;

15 (10) With respect to victims of violent and sex crimes, to have a
16 crime victim advocate from a crime victim/witness program present at
17 any prosecutorial or defense interviews with the victim, and at any
18 judicial proceedings related to criminal acts committed against the
19 victim. This subsection applies if practical and if the presence of
20 the crime victim advocate does not cause any unnecessary delay in the
21 investigation or prosecution of the case. The role of the crime victim
22 advocate is to provide emotional support to the crime victim;

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

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

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

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

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

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9 On page 1, line 1 of the title, after "rights;" strike the
10 remainder of the title and insert "and amending RCW 7.69.030."

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