

# SENATE BILL REPORT

## SB 6691

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As Reported By Senate Committee On:  
Judiciary, January 31, 2006

**Title:** An act relating to notice to prosecutors when crime victims' records are sought.

**Brief Description:** Requiring notice to prosecutors when crime victims' records are sought.

**Sponsors:** Senators Weinstein and Kline.

**Brief History:**

**Committee Activity:** Judiciary: 1/26/06, 1/31/06 [DP].

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### SENATE COMMITTEE ON JUDICIARY

**Majority Report:** Do pass.

Signed by Senators Kline, Chair; Weinstein, Vice Chair; Johnson, Ranking Minority Member; Carrell, Esser, Hargrove, McCaslin, Rasmussen and Thibaudeau.

**Staff:** Aldo Melchiori (786-7439)

**Background:** Records maintained by rape crisis centers are not available to defense attorneys as a part of discovery in sexual assault cases unless: (1) a written pretrial motion is made to the court requesting discovery; (2) the written motion is accompanied by an affidavit setting forth the reasons why discovery should be allowed; and (3) the court reviews the records in camera and finds that the records are relevant and sufficiently probative to outweigh the victim's privacy interest in the records.

**Summary of Bill:** The written motion and affidavits, for access to records maintained by rape crisis centers, must be served on the prosecuting attorney at the time the motion is filed. This requirement is added to the list of victim's rights for which reasonable efforts must be made. For the purposes of victim's rights, confidential victims records also include medical records, counseling records, school records, or other records protected by state or federal law.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Committee/Commission/Task Force Created:** No.

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

**Testimony For:** Prosecutors are not automatically given notice of these requests. When the prosecutors get notice, they can inform the crimes victim of their rights. The bill does not modify the confidential nature of the records or the processes used to gain access to them.

**Testimony Against:** None

**Who Testified:** PRO: Dave Johnson, Washington Coalition of Crime Victim Advocates.