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HOUSE BILL 2638

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State of Washington

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By Representatives Schmidt, Ludwig, Wilson, Kremen, Horn, Mitchell, Brough, Hochstatter, Padden, Carlson, Morton, Chandler, D. Sommers, Wynne, P. Johnson, Nealey, Ballard and Tate; by request of Attorney General

Read first time 01/22/92. Referred to Committee on Judiciary.

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;

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

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

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

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

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

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

27 (9) With respect to victims and survivors of victims, to be  
28 physically present in court during trial, or if subpoenaed to testify,  
29 to be scheduled as early as practical in the proceedings in order to be

1 physically present during trial after testifying and not to be excluded  
2 solely because they have testified;

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

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

12 (12) With respect to victims and survivors of victims, to present  
13 a statement personally or by representation, at ~~((the))~~ all sentencing  
14 hearings for felony convictions, including special sentencing  
15 proceedings in cases where the prosecution has requested the death  
16 penalty; and

17 (13) With respect to victims and survivors of victims, to entry of  
18 an order of restitution by the court in all felony cases, even when the  
19 offender is sentenced to confinement, unless extraordinary  
20 circumstances exist which make restitution inappropriate in the court's  
21 judgment.