
SUBSTITUTE HOUSE BILL 1160

State of Washington

53rd Legislature

1993 Regular Session

By House Committee on Judiciary (originally sponsored by Representatives R. Johnson, Ballasiotes, Padden, Long, Fuhrman, Campbell, Kremen, Brough, Jones, Quall, Pruitt, Rayburn, Sheahan, Horn, Brumsickle, Van Luven, Talcott, Lisk, Edmondson, Mielke, King, Miller, Wood, Foreman, Sehlin and Silver)

Read first time 02/19/93.

1 AN ACT Relating to crime victims; and amending RCW 7.69.030 and
2 7.69A.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) With respect to victims of violent or sex crimes, to receive,
10 at the time of reporting the crime to law enforcement officials, a
11 written statement of the rights of crime victims as provided in this
12 chapter. The written statement shall include the name, address, and
13 telephone number of a county or local crime victim/witness program, if
14 such a crime victim/witness program exists in the county;

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

18 ((+2)) (3) To be notified by the party who issued the subpoena
19 that a court proceeding to which they have been subpoenaed will not

1 occur as scheduled, in order to save the person an unnecessary trip to
2 court;

3 ~~((+3))~~ (4) To receive protection from harm and threats of harm
4 arising out of cooperation with law enforcement and prosecution
5 efforts, and to be provided with information as to the level of
6 protection available;

7 ~~((+4))~~ (5) To be informed of the procedure to be followed to apply
8 for and receive any witness fees to which they are entitled;

9 ~~((+5))~~ (6) To be provided, whenever practical, a secure waiting
10 area during court proceedings that does not require them to be in close
11 proximity to defendants and families or friends of defendants;

12 ~~((+6))~~ (7) To have any stolen or other personal property
13 expeditiously returned by law enforcement agencies or the superior
14 court when no longer needed as evidence. When feasible, all such
15 property, except weapons, currency, contraband, property subject to
16 evidentiary analysis, and property of which ownership is disputed,
17 shall be photographed and returned to the owner within ten days of
18 being taken;

19 ~~((+7))~~ (8) To be provided with appropriate employer intercession
20 services to ensure that employers of victims, survivors of victims, and
21 witnesses of crime will cooperate with the criminal justice process in
22 order to minimize an employee's loss of pay and other benefits
23 resulting from court appearance;

24 ~~((+8))~~ (9) To access to immediate medical assistance and not to be
25 detained for an unreasonable length of time by a law enforcement agency
26 before having such assistance administered. However, an employee of
27 the law enforcement agency may, if necessary, accompany the person to
28 a medical facility to question the person about the criminal incident
29 if the questioning does not hinder the administration of medical
30 assistance;

31 ~~((+9))~~ (10) With respect to victims of violent and sex crimes, to
32 have a crime victim advocate from a crime victim/witness program
33 present at any prosecutorial or defense interviews with the victim.
34 This subsection applies if practical and if the presence of the crime
35 victim advocate does not cause any unnecessary delay in the
36 investigation or prosecution of the case. The role of the crime victim
37 advocate is to provide emotional support to the crime victim;

38 (11) With respect to victims and survivors of victims, to be
39 physically present in court during trial, or if subpoenaed to testify,

1 to be scheduled as early as practical in the proceedings in order to be
2 physically present during trial after testifying and not to be excluded
3 solely because they have testified;

4 ~~((10))~~ (12) With respect to victims and survivors of victims, to
5 be informed by the prosecuting attorney of the date, time, and place of
6 the trial and of the sentencing hearing for felony convictions upon
7 request by a victim or survivor;

8 ~~((11))~~ (13) To submit a victim impact statement or report to the
9 court, with the assistance of the prosecuting attorney if requested,
10 which shall be included in all presentence reports and permanently
11 included in the files and records accompanying the offender committed
12 to the custody of a state agency or institution;

13 ~~((12))~~ (14) With respect to victims and survivors of victims, to
14 present a statement personally or by representation, at the sentencing
15 hearing for felony convictions; and

16 ~~((13))~~ (15) With respect to victims and survivors of victims, to
17 entry of an order of restitution by the court in all felony cases, even
18 when the offender is sentenced to confinement, unless extraordinary
19 circumstances exist which make restitution inappropriate in the court's
20 judgment.

21 **Sec. 2.** RCW 7.69A.030 and 1985 c 394 s 3 are each amended to read
22 as follows:

23 In addition to the rights of victims and witnesses provided for in
24 RCW 7.69.030, there shall be every reasonable effort made by law
25 enforcement agencies, prosecutors, and judges to assure that child
26 victims and witnesses are afforded the rights enumerated in this
27 section. The enumeration of rights shall not be construed to create
28 substantive rights and duties, and the application of an enumerated
29 right in an individual case is subject to the discretion of the law
30 enforcement agency, prosecutor, or judge. Child victims and witnesses
31 have the following rights:

32 (1) To have explained in language easily understood by the child,
33 all legal proceedings and/or police investigations in which the child
34 may be involved.

35 (2) With respect to child victims of sex or violent crimes or child
36 abuse, to have a crime victim advocate from a crime victim/witness
37 program present at any prosecutorial or defense interviews with the
38 child victim. This subsection applies if practical and if the presence

1 of the crime victim advocate does not cause any unnecessary delay in
2 the investigation or prosecution of the case. The role of the crime
3 victim advocate is to provide emotional support to the child victim and
4 to promote the child's feelings of security and safety.

5 (3) To be provided, whenever possible, a secure waiting area during
6 court proceedings and to have an advocate or support person remain with
7 the child prior to and during any court proceedings.

8 ~~((+3))~~ (4) To not have the names, addresses, nor photographs of
9 the living child victim or witness disclosed by any law enforcement
10 agency, prosecutor's office, or state agency without the permission of
11 the child victim, child witness, parents, or legal guardians to anyone
12 except another law enforcement agency, prosecutor, defense counsel, or
13 private or governmental agency that provides services to the child
14 victim or witness.

15 ~~((+4))~~ (5) To allow an advocate to make recommendations to the
16 prosecuting attorney about the ability of the child to cooperate with
17 prosecution and the potential effect of the proceedings on the child.

18 ~~((+5))~~ (6) To allow an advocate to provide information to the
19 court concerning the child's ability to understand the nature of the
20 proceedings.

21 ~~((+6))~~ (7) To be provided information or appropriate referrals to
22 social service agencies to assist the child and/or the child's family
23 with the emotional impact of the crime, the subsequent investigation,
24 and judicial proceedings in which the child is involved.

25 ~~((+7))~~ (8) To allow an advocate to be present in court while the
26 child testifies in order to provide emotional support to the child.

27 ~~((+8))~~ (9) To provide information to the court as to the need for
28 the presence of other supportive persons at the court proceedings while
29 the child testifies in order to promote the child's feelings of
30 security and safety.

31 ~~((+9))~~ (10) To allow law enforcement agencies the opportunity to
32 enlist the assistance of other professional personnel such as child
33 protection services, victim advocates or prosecutorial staff trained in
34 the interviewing of the child victim.

35 (11) With respect to child victims of violent or sex crimes or
36 child abuse, to receive either directly or through the child's parent
37 or guardian if appropriate, at the time of reporting the crime to law
38 enforcement officials, a written statement of the rights of child
39 victims as provided in this chapter. The written statement shall

- 1 include the name, address, and telephone number of a county or local
- 2 crime victim/witness program, if such a crime victim/witness program
- 3 exists in the county.

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