

CERTIFICATION OF ENROLLMENT

**SENATE BILL 5538**

Chapter 283, Laws of 1997

55th Legislature  
1997 Regular Session

CHILD VICTIMS AND WITNESSES--RIGHTS TO NONDISCLOSURE OF  
INFORMATION

EFFECTIVE DATE: 7/27/97

Passed by the Senate March 12, 1997  
YEAS 47 NAYS 0

BRAD OWEN

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**President of the Senate**

Passed by the House April 26, 1997  
YEAS 98 NAYS 0

CLYDE BALLARD

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**Speaker of the  
House of Representatives**

Approved May 7, 1997

CERTIFICATE

I, Mike O Connell, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SENATE BILL 5538** as passed by the Senate and the House of Representatives on the dates hereon set forth.

MIKE O'CONNELL

\_\_\_\_\_  
**Secretary**

FILED

May 7, 1997 - 1:57 p.m.

GARY LOCKE

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**Governor of the State of Washington**

**Secretary of State  
State of Washington**

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**SENATE BILL 5538**

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Passed Legislature - 1997 Regular Session

**State of Washington                      55th Legislature                      1997 Regular Session**

**By Senators Long, Hargrove, Zarelli, Oke and Winsley**

Read first time 01/30/97. Referred to Committee on Law & Justice.

1            AN ACT Relating to child victims and witnesses; amending RCW  
2 7.69A.030; adding a new section to chapter 7.69A RCW; and prescribing  
3 penalties.

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

5            NEW SECTION.    **Sec. 1.** A new section is added to chapter 7.69A RCW  
6 to read as follows:

7            At the time of reporting a crime to law enforcement officials and  
8 at the time of the initial witness interview, child victims or child  
9 witnesses of violent crimes, sex crimes, or child abuse and the child's  
10 parents shall be informed of their rights to not have their address  
11 disclosed by any law enforcement agency, prosecutor's office, defense  
12 counsel, or state agency without the permission of the child victim or  
13 the child's parents or legal guardian. The address may be disclosed to  
14 another law enforcement agency, prosecutor, defense counsel, or private  
15 or governmental agency that provides services to the child.  
16 Intentional disclosure of an address in violation of this section is a  
17 misdemeanor.

1       **Sec. 2.** RCW 7.69A.030 and 1993 c 350 s 8 are each amended to read  
2 as follows:

3       In addition to the rights of victims and witnesses provided for in  
4 RCW 7.69.030, there shall be every reasonable effort made by law  
5 enforcement agencies, prosecutors, and judges to assure that child  
6 victims and witnesses are afforded the rights enumerated in this  
7 section. Except as provided in section 1 of this act regarding child  
8 victims or child witnesses of violent crimes, sex crimes, or child  
9 abuse, the enumeration of rights shall not be construed to create  
10 substantive rights and duties, and the application of an enumerated  
11 right in an individual case is subject to the discretion of the law  
12 enforcement agency, prosecutor, or judge. Child victims and witnesses  
13 have the following rights:

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

17       (2) With respect to child victims of sex or violent crimes or child  
18 abuse, to have a crime victim advocate from a crime victim/witness  
19 program present at any prosecutorial or defense interviews with the  
20 child victim. This subsection applies if practical and if the presence  
21 of the crime victim advocate does not cause any unnecessary delay in  
22 the investigation or prosecution of the case. The role of the crime  
23 victim advocate is to provide emotional support to the child victim and  
24 to promote the child's feelings of security and safety.

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

28       (4) To not have the names, addresses, nor photographs of the living  
29 child victim or witness disclosed by any law enforcement agency,  
30 prosecutor's office, or state agency without the permission of the  
31 child victim, child witness, parents, or legal guardians to anyone  
32 except another law enforcement agency, prosecutor, defense counsel, or  
33 private or governmental agency that provides services to the child  
34 victim or witness.

35       (5) To allow an advocate to make recommendations to the prosecuting  
36 attorney about the ability of the child to cooperate with prosecution  
37 and the potential effect of the proceedings on the child.

1 (6) To allow an advocate to provide information to the court  
2 concerning the child's ability to understand the nature of the  
3 proceedings.

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

8 (8) To allow an advocate to be present in court while the child  
9 testifies in order to provide emotional support to the child.

10 (9) To provide information to the court as to the need for the  
11 presence of other supportive persons at the court proceedings while the  
12 child testifies in order to promote the child's feelings of security  
13 and safety.

14 (10) To allow law enforcement agencies the opportunity to enlist  
15 the assistance of other professional personnel such as child protection  
16 services, victim advocates or prosecutorial staff trained in the  
17 interviewing of the child victim.

18 (11) With respect to child victims of violent or sex crimes or  
19 child abuse, to receive either directly or through the child's parent  
20 or guardian if appropriate, at the time of reporting the crime to law  
21 enforcement officials, a written statement of the rights of child  
22 victims as provided in this chapter. The written statement shall  
23 include the name, address, and telephone number of a county or local  
24 crime victim/witness program, if such a crime victim/witness program  
25 exists in the county.

Passed the Senate March 12, 1997.

Passed the House April 26, 1997.

Approved by the Governor May 7, 1997.

Filed in Office of Secretary of State May 7, 1997.