

**HB 2126-S.E - DIGEST**

(DIGEST AS ENACTED)

Recognizes that it is important that dependent persons who are witnesses and victims of crime cooperate with law enforcement and prosecutorial agencies and that their assistance contributes to state and local enforcement efforts and the general effectiveness of the criminal justice system.

Finds that the state has an interest in making it possible for courts to adequately and fairly conduct cases involving dependent persons who are victims of crimes.

Declares an intent, by means of this act, to insure that all dependent persons who are victims and witnesses of crime are treated with sensitivity, courtesy, and special care and that their rights be protected by law enforcement agencies, prosecutors, and judges in a manner no less vigorous than the protection afforded to other victims, witnesses, and criminal defendants.

Provides that, in addition to the rights of victims and witnesses provided for in RCW 7.69.030, there shall be every reasonable effort made by law enforcement agencies, prosecutors, and judges to assure that dependent persons who are victims or witnesses are afforded the rights enumerated in this act.

Allows the prosecutor to file a motion with the court at any time prior to commencement of the trial for an order authorizing the taking of a video tape deposition of the dependent person's testimony.

Provides that the prosecutor or defense may file a motion with the court at any time prior to commencement of the trial for an order authorizing the taking of a video tape deposition for the purpose of preserving the direct testimony of the moving party's witness if that witness is a dependent person.

Authorizes the court to grant the motion if the moving party shows that it is likely that the dependent person will be unavailable to testify at a subsequent trial. The court's finding shall be based upon, at a minimum, recommendations from the dependent person's physician or any other person having direct contact with the dependent person and whose recommendations are based on specific behavioral indicators exhibited by the dependent person.

Requires the moving party to provide reasonable written notice to the other party of the motion and order, if granted, pursuant to superior court criminal rules for depositions.

Provides that the failure to provide notice to a dependent person of the rights enumerated in this act or the failure to provide the rights enumerated shall not result in civil liability so long as the failure was in good faith.