
SUBSTITUTE HOUSE BILL 1408

State of Washington

61st Legislature

2009 Regular Session

By House Judiciary (originally sponsored by Representatives Morrell, Hudgins, Upthegrove, Rolfes, Goodman, Pedersen, Green, Roberts, O'Brien, Dickerson, Cody, Takko, Moeller, Kenney, Kelley, and Nelson)

READ FIRST TIME 02/12/09.

1 AN ACT Relating to victim impact panels; amending RCW 46.61.5152;
2 and adding a new section to chapter 10.01 RCW.

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

4 **Sec. 1.** RCW 46.61.5152 and 2006 c 73 s 17 are each amended to read
5 as follows:

6 In addition to penalties that may be imposed under RCW 46.61.5055,
7 the court may require a person who is convicted of a nonfelony
8 violation of RCW 46.61.502 or 46.61.504 or who enters a deferred
9 prosecution program under RCW 10.05.020 based on a nonfelony violation
10 of RCW 46.61.502 or 46.61.504, to attend an educational program, such
11 as a victim impact panel, focusing on the emotional, physical, and
12 financial suffering of victims who were injured by persons convicted of
13 driving while under the influence of intoxicants. The program must
14 meet the minimum standards established under section 2 of this act.

15 NEW SECTION. **Sec. 2.** A new section is added to chapter 10.01 RCW
16 to read as follows:

17 (1)(a) Each court administration or the equivalent shall develop
18 and maintain a registry of qualified victim impact panels. When

1 imposing a requirement that an offender attend a victim impact panel
2 under RCW 46.61.5152, the court shall refer the offender to a victim
3 impact panel that is listed in the registry. Municipal, district, and
4 superior courts may coordinate efforts to develop and maintain a
5 registry for their judicial district.

6 (b) Any person who reasonably believes that a victim impact panel
7 has failed to meet the minimum standards in this section may report
8 that to the court in writing. The court may remove from the registry
9 any victim impact panel that fails to meet the minimum standards. The
10 court may establish a process to receive and review complaints and
11 conduct disciplinary procedures for victim impact panels.

12 (2) To be listed among a court's registry, the victim impact panel
13 must meet the following minimum standards:

14 (a) The victim impact panel must address the effects of driving
15 while impaired on individuals and families and address alternatives to
16 drinking and/or drug use and driving;

17 (b) The victim impact panel must have at least two different
18 speakers who shall be victim survivors of DUI crashes and who were not
19 the proximate cause of their victimization or crash, one of whom may be
20 the panel facilitator, presenting their stories in person and providing
21 at least sixty minutes of victim panel presentation, not including
22 registration and administration time;

23 (c) The victim impact panel shall have policies and procedures to
24 recruit, screen, train, and provide feedback and ongoing support to the
25 panelists. The panel shall take reasonable steps to verify the
26 authenticity of each panelist's story;

27 (d) The victim impact panel shall charge a reasonable fee to all
28 persons required to attend, unless otherwise ordered by the court;

29 (e) The victim impact panel shall have a no admittance policy for
30 anyone under the influence of alcohol or drugs, or whose actions or
31 behavior are otherwise inappropriate. The victim impact panel may
32 institute additional admission requirements;

33 (f) The victim impact panel shall maintain attendance records for
34 at least five years;

35 (g) The victim impact panel shall make reasonable efforts to use a
36 facility that meets standards established by the Americans with
37 disabilities act;

1 (h) The victim impact panel shall provide referral information to
2 other community services; and

3 (i) The victim impact panel shall have a designated facilitator who
4 is responsible for the compliance with these minimum standards and who
5 is responsible for maintaining appropriate records and communication
6 with the referring courts and probationary departments regarding
7 attendance or nonattendance.

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