
HOUSE BILL 1898

State of Washington

64th Legislature

2015 Regular Session

By Representatives Ortiz-Self, Johnson, Walkinshaw, Muri, Robinson, Pettigrew, Lytton, and Kilduff

Read first time 02/02/15. Referred to Committee on Judiciary.

1 AN ACT Relating to protection of child victims; amending RCW
2 7.69.030 and 43.101.270; and creating a new section.

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

4 NEW SECTION. **Sec. 1.** (1) The legislature finds that RCW
5 9A.44.150, which allows testimony of child victims by closed-circuit
6 television in certain cases, helps protect certain child witnesses.
7 During the prosecution of many child abuse cases, child victims may
8 suffer serious emotional and mental trauma from exposure to the
9 abuser. Some of these child victims are unable to testify at all in
10 the presence of the abuser. For these reasons, the legislature found
11 it a compelling state interest to allow for remote testimony in
12 certain cases to enhance the truth-seeking process and to shield
13 child victims from trauma.

14 (2) The legislature further finds that while there is a
15 possibility for certain child victims to testify remotely in some
16 cases, this procedure is rarely used. The legislature intends to
17 raise awareness regarding this procedure by including it in the list
18 of victim's rights and in training materials for investigating and
19 prosecuting sexual assault cases.

1 **Sec. 2.** RCW 7.69.030 and 2009 c 138 s 5 are each amended to read
2 as follows:

3 There shall be a reasonable effort made to ensure that victims,
4 survivors of victims, and witnesses of crimes have the following
5 rights, which apply to any criminal court and/or juvenile court
6 proceeding:

7 (1) With respect to victims of violent or sex crimes, to receive,
8 at the time of reporting the crime to law enforcement officials, a
9 written statement of the rights of crime victims as provided in this
10 chapter. The written statement shall include the name, address, and
11 telephone number of a county or local crime victim/witness program,
12 if such a crime victim/witness program exists in the county;

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

16 (3) To be notified by the party who issued the subpoena that a
17 court proceeding to which they have been subpoenaed will not occur as
18 scheduled, in order to save the person an unnecessary trip to court;

19 (4) To receive protection from harm and threats of harm arising
20 out of cooperation with law enforcement and prosecution efforts, and
21 to be provided with information as to the level of protection
22 available;

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

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

28 (7) To have any stolen or other personal property expeditiously
29 returned by law enforcement agencies or the superior court when no
30 longer needed as evidence. When feasible, all such property, except
31 weapons, currency, contraband, property subject to evidentiary
32 analysis, and property of which ownership is disputed, shall be
33 photographed and returned to the owner within ten days of being
34 taken;

35 (8) To be provided with appropriate employer intercession
36 services to ensure that employers of victims, survivors of victims,
37 and witnesses of crime will cooperate with the criminal justice
38 process in order to minimize an employee's loss of pay and other
39 benefits resulting from court appearance;

1 (9) To access to immediate medical assistance and not to be
2 detained for an unreasonable length of time by a law enforcement
3 agency before having such assistance administered. However, an
4 employee of the law enforcement agency may, if necessary, accompany
5 the person to a medical facility to question the person about the
6 criminal incident if the questioning does not hinder the
7 administration of medical assistance. Victims of domestic violence,
8 sexual assault, or stalking, as defined in RCW 49.76.020, shall be
9 notified of their right to reasonable leave from employment under
10 chapter 49.76 RCW;

11 (10) With respect to victims of violent and sex crimes, to have a
12 crime victim advocate from a crime victim/witness program, or any
13 other support person of the victim's choosing, present at any
14 prosecutorial or defense interviews with the victim, and at any
15 judicial proceedings related to criminal acts committed against the
16 victim. This subsection applies if practical and if the presence of
17 the crime victim advocate or support person does not cause any
18 unnecessary delay in the investigation or prosecution of the case.
19 The role of the crime victim advocate is to provide emotional support
20 to the crime victim;

21 (11) With respect to victims and survivors of victims, to be
22 physically present in court during trial, or if subpoenaed to
23 testify, to be scheduled as early as practical in the proceedings in
24 order to be physically present during trial after testifying and not
25 to be excluded solely because they have testified;

26 (12) With respect to victims and survivors of victims, to be
27 informed by the prosecuting attorney of the date, time, and place of
28 the trial and of the sentencing hearing for felony convictions upon
29 request by a victim or survivor;

30 (13) To submit a victim impact statement or report to the court,
31 with the assistance of the prosecuting attorney if requested, which
32 shall be included in all presentence reports and permanently included
33 in the files and records accompanying the offender committed to the
34 custody of a state agency or institution;

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

38 (15) With respect to victims and survivors of victims, to entry
39 of an order of restitution by the court in all felony cases, even
40 when the offender is sentenced to confinement, unless extraordinary

1 circumstances exist which make restitution inappropriate in the
2 court's judgment; and

3 (16) With respect to certain child victims, to be made aware of
4 the possibility that a court may allow children under the age of
5 fourteen to testify in a room outside the presence of the defendant
6 and the jury pursuant to RCW 9A.44.150.

7 **Sec. 3.** RCW 43.101.270 and 1991 c 267 s 2 are each amended to
8 read as follows:

9 (1) Each year the criminal justice training commission shall
10 offer an intensive, integrated training session on investigating and
11 prosecuting sexual assault cases. The training shall place particular
12 emphasis on the development of professionalism and sensitivity
13 towards the victim and the victim's family.

14 (2) The commission shall seek advice from the Washington
15 association of prosecuting attorneys, the Washington defender
16 association, the Washington association of sheriffs and police
17 chiefs, and the Washington coalition of sexual assault programs.

18 (3) The training shall be an integrated approach to sexual
19 assault cases so that prosecutors, law enforcement, defenders, and
20 victim advocates can all benefit from the training.

21 (4) The training shall be self-supporting through fees charged to
22 the participants of the training.

23 (5) The training shall include a reference to the possibility
24 that a court may allow children under the age of fourteen to testify
25 in a room outside the presence of the defendant and the jury pursuant
26 to RCW 9A.44.150.

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