

SENATE BILL REPORT

SB 5730

As Reported by Senate Committee On:
Human Services, Reentry & Rehabilitation, January 28, 2022

Title: An act relating to confidentiality rights of child victims and witnesses.

Brief Description: Concerning confidentiality rights of child victims and witnesses.

Sponsors: Senators Randall, Das, Lovelett, Saldaña, Trudeau and Wilson, C..

Brief History:

Committee Activity: Human Services, Reentry & Rehabilitation: 1/25/22, 1/28/22 [DPS].

Brief Summary of First Substitute Bill

- Clarifies that the entity receiving confidential information of a child victim or witness is limited to those that provide services or supports to that child.
- Provides that confidential information provided to private or governmental agencies is limited to the information necessary to provide services or supports to the child victim or witness.

SENATE COMMITTEE ON HUMAN SERVICES, REENTRY & REHABILITATION

Majority Report: That Substitute Senate Bill No. 5730 be substituted therefor, and the substitute bill do pass.

Signed by Senators Wilson, C., Chair; Nguyen, Vice Chair; Gildon, Ranking Member; Dozier, Saldaña and Trudeau.

Staff: Alison Mendiola (786-7488)

Background: Child victims and witnesses have a number of rights, which apply to any criminal court or juvenile court proceedings, including:

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

- to have all legal proceedings or police investigations in which the child may be involved, explained in language easily understood by the child;
- with respect to child victims of sex or violent crimes of child abuse, to have a crime victim advocate present at any prosecutorial or defense interviews with the child victim—if practical and the presence of the crime victim does not cause any unnecessary delay in the investigation or prosecution of the case;
- a secure waiting area during court proceedings and to have an advocate or support person remain with the child;
- to not have the names, addresses, or photographs of the living child victim or witness disclosed by any law enforcement agency, prosecutor's office, or state agency without the permission of the child victim, child witness, parents, or legal guardians to anyone except another law enforcement agency, prosecutor, defense counsel, private or governmental agency that provides services to the child victim or witness;
- to allow an advocate to make recommendations to the prosecuting attorney about the ability of the child to cooperate with the prosecution and the potential effect of the proceedings on the child;
- to be provided information or appropriate referrals to social service agencies to assist the child and the child's family, or both, with the emotional impact of the crime, the subsequent investigation, and judicial proceedings in which the child is involved;
- to provide information to the court as to the need for the presence of other supportive persons at the court proceedings while the child testifies to promote the child's feelings of security and safety;
- to allow law enforcement agencies the opportunity to enlist the assistance of other professional personnel such as child protection services, victim advocates or prosecutorial staff trained in interview child victims; and
- for child victims of violent or sex crimes or child abuse, to receive a written statement of the right of the child victim as provided in statute which includes the name, address, and telephone number of a county or local crime victim/witness program, if one exists in the county.

Summary of Bill (First Substitute): The names, addresses, photographs of the living child victim or witness shall not be disclosed by any law enforcement agency, prosecutor's office, or state agency without the permission of the child victim, child witness, parents, or legal guardians to anyone except another law enforcement agency, prosecutor, defense counsel, or private or governmental agency that provides services or supports to the child victim or witness. Information distributed to private or governmental agencies is limited to information necessary to provide services or supports to the child victim or witness.

EFFECT OF CHANGES MADE BY HUMAN SERVICES, REENTRY & REHABILITATION COMMITTEE (First Substitute):

An intent section is added. The proposed addition of school districts is removed. It is clarified that the entity receiving the confidential information of the child victim/witness provides services or supports to that child. Information distributed to private or

governmental agencies is limited to the information necessary to provide services or supports to the child victim or witness.

Appropriation: None.

Fiscal Note: Not requested.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on Original Bill: *The committee recommended a different version of the bill than what was heard.* PRO: If a student falls asleep, is late with an assignment, or is not acting like themselves, the school staff who is trauma informed may be able to help instead of punishing the student.

This program is up and running in Kitsap but some have a different interpretation of the statute that a school isn't a government agency, so this bill is just a small fix. When a student is picked up by first responders, the school only gets the student's name.

CON: There are confidentiality concerns. The kid, or parent, should have to give permission.

OTHER: The Handle with Care program is helpful in other states but here, the change proposed does not provide a formed path, training requirements are missing. We must be aware of unintentional consequences.

Persons Testifying: PRO: Senator Emily Randall, Prime Sponsor; Alyson Rotter, Kitsap Strong/Graduate Strong .

CON: Byron Manering, Brigid Collins House.

OTHER: Paula Reed, Children's Advocacy Centers of Washington.

Persons Signed In To Testify But Not Testifying: No one.