
HOUSE BILL 1408

State of Washington

67th Legislature

2021 Regular Session

By Representatives Volz, Graham, Chase, Taylor, Rule, Dolan, Sutherland, Robertson, Caldier, Griffey, Jacobsen, Dent, and Boehnke

Read first time 01/28/21. Referred to Committee on State Government & Tribal Relations.

1 AN ACT Relating to protecting the personal information of
2 juveniles from public disclosure; and amending RCW 7.69A.020 and
3 7.69A.030.

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

5 **Sec. 1.** RCW 7.69A.020 and 1993 c 350 s 7 are each amended to
6 read as follows:

7 Unless the context clearly requires otherwise, the definitions in
8 this section apply throughout this chapter.

9 (1) "Crime" means an act punishable as a felony, gross
10 misdemeanor, or misdemeanor under the laws of this state or
11 equivalent federal or local law.

12 (2) "Child" means any (~~living~~) child under the age of eighteen
13 years.

14 (3) "Victim" means a (~~living~~) person against whom a crime has
15 been committed.

16 (4) "Witness" means a person who has been or is expected to be
17 summoned to testify for the prosecution in a criminal action, or who
18 by reason of having relevant information is subject to call or likely
19 to be called as a witness for the prosecution, whether or not an
20 action or proceeding has been commenced.

21 (5) "Family member" means child, parent, or legal guardian.

1 (6) "Advocate" means any person, including a family member not
2 accused of a crime, who provides support to a child victim or child
3 witness during any legal proceeding.

4 (7) "Court proceedings" means any court proceeding conducted
5 during the course of the prosecution of a crime committed against a
6 child victim, including pretrial hearings, trial, sentencing, or
7 appellate proceedings.

8 (8) "Identifying information" means the child's name, address,
9 location, voice, and photograph, and in cases in which the child is a
10 relative or stepchild of the alleged perpetrator, identification of
11 the relationship between the child and the alleged perpetrator.

12 (9) "Crime victim/witness program" means any crime victim and
13 witness program of a county or local law enforcement agency or
14 prosecutor's office, any rape crisis center's sexual assault victim
15 advocacy program as provided in chapter 70.125 RCW, any domestic
16 violence program's legal and community advocate program for domestic
17 violence victims as provided in chapter 70.123 RCW, or any other
18 crime victim advocacy program which provides trained advocates to
19 assist crime victims during the investigation and prosecution of the
20 crime.

21 **Sec. 2.** RCW 7.69A.030 and 2004 c 120 s 9 are each amended to
22 read as follows:

23 In addition to the rights of victims and witnesses provided for
24 in RCW 7.69.030, there shall be every reasonable effort made by law
25 enforcement agencies, prosecutors, and judges to assure that child
26 victims and witnesses are afforded the rights enumerated in this
27 section. Except as provided in RCW 7.69A.050 regarding child victims
28 or child witnesses of violent crimes, sex crimes, or child abuse, the
29 enumeration of rights shall not be construed to create substantive
30 rights and duties, and the application of an enumerated right in an
31 individual case is subject to the discretion of the law enforcement
32 agency, prosecutor, or judge. Child victims and witnesses have the
33 following rights, which apply to any criminal court and/or juvenile
34 court proceeding:

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

38 (2) With respect to child victims of sex or violent crimes or
39 child abuse, to have a crime victim advocate from a crime victim/

1 witness program, or any other support person of the victim's
2 choosing, present at any prosecutorial or defense interviews with the
3 child victim. This subsection applies if practical and if the
4 presence of the crime victim advocate or support person does not
5 cause any unnecessary delay in the investigation or prosecution of
6 the case. The role of the crime victim advocate is to provide
7 emotional support to the child victim and to promote the child's
8 feelings of security and safety.

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

12 (4) To ~~((not have the names, addresses, nor photographs of the~~
13 ~~living))~~ exempt from public disclosure under chapter 42.56 RCW
14 identifying information, as defined in RCW 7.69A.020, of a child
15 victim or witness, and to not have identifying information disclosed
16 by any law enforcement agency, prosecutor's office, or state agency
17 without the permission of the child victim, child witness, parents,
18 or legal guardians to anyone except another law enforcement agency,
19 prosecutor, defense counsel, or private or governmental agency that
20 provides services to the child victim or witness.

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

24 (6) To allow an advocate to provide information to the court
25 concerning the child's ability to understand the nature of the
26 proceedings.

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

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

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

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

1 (11) With respect to child victims of violent or sex crimes or
2 child abuse, to receive either directly or through the child's parent
3 or guardian if appropriate, at the time of reporting the crime to law
4 enforcement officials, a written statement of the rights of child
5 victims as provided in this chapter. The written statement shall
6 include the name, address, and telephone number of a county or local
7 crime victim/witness program, if such a crime victim/witness program
8 exists in the county.

--- END ---