
HOUSE BILL 1160

State of Washington

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By Representatives R. Johnson, Ballasiotes, Padden, Long, Fuhrman, Campbell, Kremen, Brough, Jones, Quall, Pruitt, Rayburn, Sheahan, Horn, Brumsickle, Van Luven, Talcott, Lisk, Edmondson, Mielke, King, Miller, Wood, Foreman, Sehlin and Silver

Read first time 01/18/93. Referred to Committee on Judiciary.

1 AN ACT Relating to crime victims; and amending RCW 7.69.030 and
2 7.69A.030.

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

4 **Sec. 1.** RCW 7.69.030 and 1985 c 443 s 3 are each amended to read
5 as follows:

6 There shall be a reasonable effort made to ensure that victims,
7 survivors of victims, and witnesses of crimes have the following
8 rights:

9 (1) To receive, at the time of reporting the crime to law
10 enforcement officials, or if not practical at the time of reporting
11 within fourteen days of such reporting, a written statement of the
12 rights of crime victims, survivors, and witnesses provided for by law
13 and enumerated in this section, and a statement of the rights of child
14 victims and witnesses enumerated in RCW 7.69A.030 if the victim or
15 witness is a child. The written statement shall include the name,
16 address, and telephone number of the county crime victim/witness
17 program;

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

4 ~~((+2))~~ (3) To be notified by the party who issued the subpoena
5 that a court proceeding to which they have been subpoenaed will not
6 occur as scheduled, in order to save the person an unnecessary trip to
7 court;

8 ~~((+3))~~ (4) To receive protection from harm and threats of harm
9 arising out of cooperation with law enforcement and prosecution
10 efforts, and to be provided with information as to the level of
11 protection available;

12 ~~((+4))~~ (5) To be informed of the procedure to be followed to apply
13 for and receive any witness fees to which they are entitled;

14 ~~((+5))~~ (6) To be provided, whenever practical, a secure waiting
15 area during court proceedings that does not require them to be in close
16 proximity to defendants and families or friends of defendants;

17 ~~((+6))~~ (7) To have any stolen or other personal property
18 expeditiously returned by law enforcement agencies or the superior
19 court when no longer needed as evidence. When feasible, all such
20 property, except weapons, currency, contraband, property subject to
21 evidentiary analysis, and property of which ownership is disputed,
22 shall be photographed and returned to the owner within ten days of
23 being taken;

24 ~~((+7))~~ (8) To be provided with appropriate employer intercession
25 services to ensure that employers of victims, survivors of victims, and
26 witnesses of crime will cooperate with the criminal justice process in
27 order to minimize an employee's loss of pay and other benefits
28 resulting from court appearance;

29 ~~((+8))~~ (9) To access to immediate medical assistance and not to be
30 detained for an unreasonable length of time by a law enforcement agency
31 before having such assistance administered. However, an employee of
32 the law enforcement agency may, if necessary, accompany the person to
33 a medical facility to question the person about the criminal incident
34 if the questioning does not hinder the administration of medical
35 assistance;

36 ~~((+9))~~ (10) With respect to victims and survivors of victims, to
37 have a crime victim advocate or other support person present at
38 investigative interviews whenever practical and without causing any
39 unnecessary delay in the investigation of the case or the apprehension

1 of suspects, and any pretrial conferences involving the victim or the
2 victim's survivor;

3 (11) With respect to victims and survivors of victims, to be
4 physically present in court during trial, or if subpoenaed to testify,
5 to be scheduled as early as practical in the proceedings in order to be
6 physically present during trial after testifying and not to be excluded
7 solely because they have testified;

8 ~~((10))~~ (12) With respect to victims and survivors of victims, to
9 be informed by the prosecuting attorney of the date, time, and place of
10 the trial and of the sentencing hearing for felony convictions upon
11 request by a victim or survivor;

12 ~~((11))~~ (13) To submit a victim impact statement or report to the
13 court, with the assistance of the prosecuting attorney if requested,
14 which shall be included in all presentence reports and permanently
15 included in the files and records accompanying the offender committed
16 to the custody of a state agency or institution;

17 ~~((12))~~ (14) With respect to victims and survivors of victims, to
18 present a statement personally or by representation, at the sentencing
19 hearing for felony convictions; and

20 ~~((13))~~ (15) With respect to victims and survivors of victims, to
21 entry of an order of restitution by the court in all felony cases, even
22 when the offender is sentenced to confinement, unless extraordinary
23 circumstances exist which make restitution inappropriate in the court's
24 judgment.

25 **Sec. 2.** RCW 7.69A.030 and 1985 c 394 s 3 are each amended to read
26 as follows:

27 In addition to the rights of victims and witnesses provided for in
28 RCW 7.69.030, there shall be every reasonable effort made by law
29 enforcement agencies, prosecutors, and judges to assure that child
30 victims and witnesses are afforded the rights enumerated in this
31 section. The enumeration of rights shall not be construed to create
32 substantive rights and duties, and the application of an enumerated
33 right in an individual case is subject to the discretion of the law
34 enforcement agency, prosecutor, or judge. Child victims and witnesses
35 have the following rights:

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

1 (2) To have a crime victim advocate or other support person present
2 at investigative interviews and pretrial conferences involving the
3 child victim or witness.

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

7 (~~(3)~~) (4) To not have the names, addresses, nor photographs of
8 the living child victim or witness disclosed by any law enforcement
9 agency, prosecutor's office, or state agency without the permission of
10 the child victim, child witness, parents, or legal guardians to anyone
11 except another law enforcement agency, prosecutor, defense counsel, or
12 private or governmental agency that provides services to the child
13 victim or witness.

14 (~~(4)~~) (5) To allow an advocate to make recommendations to the
15 prosecuting attorney about the ability of the child to cooperate with
16 prosecution and the potential effect of the proceedings on the child.

17 (~~(5)~~) (6) To allow an advocate to provide information to the
18 court concerning the child's ability to understand the nature of the
19 proceedings.

20 (~~(6)~~) (7) To be provided information or appropriate referrals to
21 social service agencies to assist the child and/or the child's family
22 with the emotional impact of the crime, the subsequent investigation,
23 and judicial proceedings in which the child is involved.

24 (~~(7)~~) (8) To allow an advocate to be present in court while the
25 child testifies in order to provide emotional support to the child.

26 (~~(8)~~) (9) To provide information to the court as to the need for
27 the presence of other supportive persons at the court proceedings while
28 the child testifies in order to promote the child's feelings of
29 security and safety.

30 (~~(9)~~) (10) To allow law enforcement agencies the opportunity to
31 enlist the assistance of other professional personnel such as child
32 protection services, victim advocates or prosecutorial staff trained in
33 the interviewing of the child victim.

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