

HOUSE BILL REPORT

SB 5538

As Passed House-Amended:

April 8, 1997

Title: An act relating to child victims and witnesses.

Brief Description: Requiring permission before disclosing the address of a child victim or witness or the address of a parent of a child victim or witness.

Sponsors: Senators Long, Hargrove, Zarelli, Oke and Winsley.

Brief History:

Committee Activity:

Criminal Justice & Corrections: 3/25/97, 4/2/97 [DPA].

Floor Activity:

Passed House-Amended: 4/8/97, 98-0.

HOUSE COMMITTEE ON CRIMINAL JUSTICE & CORRECTIONS

Majority Report: Do pass as amended. Signed by 12 members: Representatives Ballasiotes, Chairman; Benson, Vice Chairman; Koster, Vice Chairman; O'Brien, Assistant Ranking Minority Member; Blalock; Cairnes; Delvin; Dickerson; Hickel; Mitchell; Robertson and Sullivan.

Staff: Pat Shelledy (786-7149).

Background: Law enforcement agencies, prosecutors, and judges are required to make reasonable efforts to assure that child victims and witnesses are afforded certain rights during the investigation and prosecution of a crime involving the child. The rights are not substantive and are subject to the discretion of the law enforcement agency, prosecutor, and judge. Among those rights is the right not to have the child victim's or witness's address disclosed to anyone other than another law enforcement agency, prosecutor, defense counsel, or private or governmental agency that provides services to the child, without the permission of the child victim or witness, or the parents or legal guardian of the child.

Summary of Amended Bill: Law enforcement agencies, prosecutors' offices, defense counsel, or state agencies providing services to a child victim or witness of a violent or sex offense or a case involving child abuse, may not disclose the child's address without the permission of the child and the child's parent or legal guardian. The prohibition does not apply to disclosure of the address to the court, another law

enforcement agency, prosecutor, defense counsel, or agency providing services to the child.

Intentional disclosure of a child's address in violation of the provision is a misdemeanor.

Child victims and witnesses, and parents of child victims and witnesses must be informed of the child's right not to have the child's address disclosed. Notice of the child's right under this provision must occur when the crime is reported and at the first interview.

Child victims and witnesses testifying in court also have the right to be protected from questioning that is unreasonably embarrassing, repetitive, or confusing, that does not serve the interests of justice, and in the court's view, is unlikely to be helpful to the trier of fact.

Amended Bill Compared to Original Bill: Parents must give consent in addition to the child. Releasing the information to the court will not violate the law.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: It is often necessary to release the child's address to the court during the regular course of conducting an investigation and prosecution. To avoid subjecting law enforcement, prosecutors, and administrators to criminal prosecution, an exception should be added to provide that the address may be disseminated to the courts.

Testimony Against: None.

Testified: Tom McBride, Washington Association of Prosecuting Attorneys (pro with amendments).