

SB 5612 - H COMM AMD

By Committee on Public Safety

1 Strike everything after the enacting clause and insert the
2 following:

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

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

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

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

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

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

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

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

30 (7) To have any stolen or other personal property expeditiously
31 returned by law enforcement agencies or the superior court when no
32 longer needed as evidence. When feasible, all such property, except

1 weapons, currency, contraband, property subject to evidentiary
2 analysis, and property of which ownership is disputed, shall be
3 photographed and returned to the owner within ten days of being
4 taken;

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

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

20 (10) With respect to victims of violent and sex crimes, to have a
21 crime victim advocate from a crime victim/witness program, or any
22 other support person of the victim's choosing, present at any
23 prosecutorial or defense interviews with the victim, and at any
24 judicial proceedings related to criminal acts committed against the
25 victim. This subsection applies if practical and if the presence of
26 the crime victim advocate or support person does not cause any
27 unnecessary delay in the investigation or prosecution of the case.
28 The role of the crime victim advocate is to provide emotional support
29 to the crime victim;

30 (11) With respect to victims and survivors of victims, to be
31 physically present in court during trial, or if subpoenaed to
32 testify, to be scheduled as early as practical in the proceedings in
33 order to be physically present during trial after testifying and not
34 to be excluded solely because they have testified;

35 (12) With respect to victims and survivors of victims in any
36 felony case or any case involving domestic violence, to be informed
37 by the prosecuting attorney of the date, time, and place of the trial
38 and of the sentencing hearing (~~for felony convictions~~) upon request
39 by a victim or survivor;

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

6 (14) With respect to victims and survivors of victims in any
7 felony case or any case involving domestic violence, to present a
8 statement, personally or by representation, at the sentencing hearing
9 (~~for felony convictions~~); and

10 (15) With respect to victims and survivors of victims, to entry
11 of an order of restitution by the court in all felony cases, even
12 when the offender is sentenced to confinement, unless extraordinary
13 circumstances exist which make restitution inappropriate in the
14 court's judgment."

15 Correct the title.

EFFECT: Requires the prosecuting attorney to notify victims and survivors of victims in any domestic violence case of the date, time, and place of the trial and of the sentencing hearing upon request by a victim or survivor.

Reorganizes the provision regarding the right to provide statements at sentencing hearings by providing that it applies to "any felony case or any case involving domestic violence" (rather than "felony convictions and convictions involving domestic violence").

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