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**SENATE BILL 5612**

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AS AMENDED BY THE HOUSE

Passed Legislature - 2022 Regular Session

**State of Washington                      67th Legislature                      2022 Regular Session**

**By** Senators L. Wilson, Warnick, Braun, Brown, Dhingra, Keiser, Lovick, Mullet, Rolfes, Short, Wagoner, and J. Wilson

Prefiled 12/29/21. Read first time 01/10/22. Referred to Committee on Law & Justice.

1            AN ACT Relating to ensuring domestic violence victims and  
2 survivors of victims have the opportunity to make a statement during  
3 sentencing for all domestic violence convictions; and amending RCW  
4 7.69.030.

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

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

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

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

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

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

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

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

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

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

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

25 (9) To access to immediate medical assistance and not to be  
26 detained for an unreasonable length of time by a law enforcement  
27 agency before having such assistance administered. However, an  
28 employee of the law enforcement agency may, if necessary, accompany  
29 the person to a medical facility to question the person about the  
30 criminal incident if the questioning does not hinder the  
31 administration of medical assistance. Victims of domestic violence,  
32 sexual assault, or stalking, as defined in RCW 49.76.020, shall be  
33 notified of their right to reasonable leave from employment under  
34 chapter 49.76 RCW;

35 (10) With respect to victims of violent and sex crimes, to have a  
36 crime victim advocate from a crime victim/witness program, or any  
37 other support person of the victim's choosing, present at any  
38 prosecutorial or defense interviews with the victim, and at any  
39 judicial proceedings related to criminal acts committed against the  
40 victim. This subsection applies if practical and if the presence of

1 the crime victim advocate or support person does not cause any  
2 unnecessary delay in the investigation or prosecution of the case.  
3 The role of the crime victim advocate is to provide emotional support  
4 to the crime victim;

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

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

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

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

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

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