

HOUSE BILL REPORT

HB 1534

*As Reported By House Committee on:
Judiciary
Appropriations*

Title: An act relating to training for investigating and prosecuting sexual assault cases.

Brief Description: Providing training for investigating and prosecuting sexual assault cases.

Sponsor(s): Representatives H. Myers, Beck, Riley, R. King, Tate, Anderson, Vance, Cooper, Ludwig, Hargrove, Padden, Bray, Rasmussen, Sheldon, Leonard, Forner, Brekke, Peery, Belcher, G. Fisher, Morris, Grant, Jones, O'Brien, Orr, Wang, Heavey, Roland, Paris and Winsley.

Brief History:

Reported by House Committee on:
Judiciary, February 20, 1991, DPS;
Appropriations, March 10, 1991, DPS(JUD)-A.

**HOUSE COMMITTEE ON
JUDICIARY**

Majority Report: *That Substitute House Bill No. 1534 be substituted therefor, and the substitute bill do pass.*

Signed by 19 members: Representatives Appelwick, Chair; Ludwig, Vice Chair; Padden, Ranking Minority Member; Paris, Assistant Ranking Minority Member; Belcher; Broback; Forner; Hargrove; Inslee; Locke; R. Meyers; Mielke; H. Myers; Riley; Scott; D. Sommers; Tate; Vance; and Wineberry.

Staff: Pat Shelledy (786-7149).

Background: Some prosecutors, law enforcement officers, and public defenders lack specialized training in the area of sexual assault and child sexual abuse.

Summary of Substitute Bill:

A. TRAINING. The Criminal Justice Training Commission must offer an integrated, intensive, week long training session on investigating and prosecuting sexual assault cases for up to 20 prosecutors, 20 police officers, and 20 public defenders a year. The training must emphasize professionalism and sensitivity towards victims during the

investigation and prosecution of sexual assaults against children. The commission must seek advice on the training program from prosecutors, police officers, public defenders, and the Washington Coalition of Sexual Assault Programs.

There is an appropriation of \$90,000.

B. SEXUAL ASSAULT PROSECUTION ASSISTANCE PROGRAM. A sexual assault assistance program is created in the Department of Community Development. The program is to assist county prosecutors in the investigation and prosecution of sexual assault and child abuse cases, particularly for child victims. The department will contract with the Washington State Association of Prosecuting Attorneys (WAPA) to employ a project coordinator who will be responsible for the hiring, training, assignment, and overall supervision of investigators. The department will contract with WAPA to employ 10 investigators who will be assigned to prosecuting attorneys and be under the project coordinator's supervision. The investigators must be specially trained in investigating sexual assault cases involving child victims. The investigators will be assigned to prosecutors in areas of the state lacking law enforcement expertise in investigating child sexual abuse. The prosecutor may agree to make the assigned investigator available on a regional basis and available to child protective services upon request.

There is an appropriation of \$1,280,000.

C. SEXUAL ASSAULT COMMITTEE. A statewide committee on sexual assault is established solely to oversee the sexual assault prosecution assistance program. The committee must be comprised of three prosecuting attorneys, two police detectives specializing in sexual assaults involving child victims, one representative of the Department of Social and Health Services, a representative of the Washington Association of Sheriffs and Police Chiefs, two representatives from the Washington Coalition of Sexual Assault Programs, and two legislators, one from each house and each caucus.

D. LEGAL ADVOCATES. The Department of Social and Health Services must provide up to one legal advocate per sexual assault program that qualifies for funding under the victims sexual assault fund.

There is an appropriation of \$1,000,000.

Substitute Bill Compared to Original Bill: Twenty police officers and 20 public defenders are added to the training program, which must be an integrated program for all

participants. An additional \$10,000 is added to the appropriation to cover the additional cost of training the public defenders. The commission must seek advice from public defenders and sheriffs and police chiefs, in addition to prosecutors and the coalition, when developing the training program. Added is the requirement that the training must emphasize professionalism and sensitivity to victims and their families. The Department of Community Development will not hire the investigators but will contract with the Prosecutors Association to hire the investigators. Added is a clarification that the Sexual Assault Committee is created solely to oversee the Prosecution Assistance Program. The number of prosecutors on the committee is reduced to three, and two police detectives are added to the committee.

Fiscal Note: Requested February 15, 1991.

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

Appropriation: Yes.

Testimony For: (Original Bill) Prosecution of sexual assault cases, especially involving children, requires specialized training, expertise, and investigation skills. Some prosecutors, police officers, and defense attorneys in certain areas of the State lack that expertise.

Testimony Against: None.

Witnesses: Mike Redman, Washington Association of Prosecuting Attorneys (pro); Jerry Adair, Lewis County Prosecutor (pro); Mike Patrick, Washington State Council of Police Officers (pro, with recommendation to add police to the training and to the committee on sexual assault); Marlene Watkins, Clark County Child Abuse Center (pro); and Dawn Larsen, Executive Director, Washington Coalition of Sexual Assault Programs (pro).

**HOUSE COMMITTEE ON
APPROPRIATIONS**

Majority Report: *The substitute bill by Committee on Judiciary be substituted therefor and the substitute bill as amended by Committee on Appropriations do pass.* Signed by 29 members: Representatives Locke, Chair; Inslee, Vice Chair; Spanel, Vice Chair; Silver, Ranking Minority Member; Morton, Assistant Ranking Minority Member; Appelwick; Belcher; Bowman; Braddock; Brekke; Dorn; Ebersole; Ferguson; Fuhrman; Hine; Lisk; May; McLean; Mielke; Nealey; Peery;

Pruitt; Rust; H. Sommers; Sprenkle; Valle; Vance; Wang; and Wineberry.

Staff: Victor Moore (786-7143).

Summary of Recommendation of Committee on Appropriations Compared to Recommendation of Committee on Judiciary: The substitute bill as amended removes language which provides for: a) investigators to assist local prosecutors; b) state-funded training for prosecutors, public defenders, and police officers; c) a sexual assault committee; and d) full funding for legal advocates. The substitute bill as amended requires the Criminal Justice Training Commission to develop curriculum for the investigation and prosecution of sexual assault cases for prosecutors, law enforcement, defenders, and victim advocates. Training must be self-supporting through fees. A grant program is established within the Department of Social and Health Services for victim advocates, whose purpose is to assist victims and their families through the investigation and prosecution of sexual assault cases. The grant must be matched by a 25 percent local match. Section 3 of the bill, the Victim Advocate Program, is null and void without funding in the budget.

Fiscal Note: Not requested.

Appropriation: Removed.

Effective Date of Substitute Bill as Amended: The bill contains an emergency clause and takes effect on July 1, 1991. However, section 3 of the bill is null and void unless funded in the budget.

Testimony For: None.

Testimony Against: None

Witnesses: None.