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ENGROSSED SUBSTITUTE HOUSE BILL 1534

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State of Washington

52nd Legislature

1991 Regular Session

By House Committee on Judiciary (originally sponsored by 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).

Read first time February 22, 1991.

1 AN ACT Relating to training for investigating and prosecuting  
2 sexual assault cases; adding a new section to chapter 43.101 RCW;  
3 adding a new section to chapter 70.125 RCW; creating new sections;  
4 providing an effective date; and declaring an emergency.

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

6 NEW SECTION. **Sec. 1.** The safety of all children is enhanced when  
7 sexual assault cases are properly investigated and prosecuted. The  
8 victim of the sexual assault and the victim's family have a right to be  
9 treated with sensitivity and professionalism, which also increases the  
10 likelihood of their continued cooperation with the investigation and  
11 prosecution of the case. The legislature finds the sexual assault  
12 cases, particularly those involving victims who are children, are  
13 difficult to prosecute successfully. The cooperation of a victim and  
14 the victim's family through the investigation and prosecution of the  
15 sexual assault case is enhanced and the trauma associated with the

1 investigation and prosecution is reduced when trained victim advocates  
2 assist the victim and the victim's family through the investigation and  
3 prosecution of the case. Trained victim advocates also assist law  
4 enforcement, prosecutors, and defense attorneys, by relieving some of  
5 the burden of explaining the investigation and prosecution process and  
6 possible delays to the victim and accompanying the victim during  
7 interviews by the police, prosecutor, and defense attorney, and  
8 accompanying the victim during hearings and the trial.

9 The legislature finds that counties should give priority to the  
10 successful prosecution of sexual assault cases, especially those that  
11 involve children, by ensuring that prosecutors, investigators, defense  
12 attorneys, and victim advocates are properly trained and available.  
13 Therefore, the legislature intends to establish a mechanism to provide  
14 the necessary training of prosecutors, law enforcement investigators,  
15 defense attorneys, and victim advocates and ensure the availability of  
16 victim advocates for victims of sexual assault and their families.

17 NEW SECTION. **Sec. 2.** (1) Each year the criminal justice training  
18 commission shall offer an intensive, integrated, week-long training  
19 session on investigating and prosecuting sexual assault cases. The  
20 training shall place particular emphasis on the development of  
21 professionalism and sensitivity towards the victim and the victim's  
22 family.

23 (2) The commission shall seek advice from the Washington  
24 association of prosecuting attorneys, the Washington defender  
25 association, the Washington association of sheriffs and police chiefs,  
26 and the Washington coalition of sexual assault programs.

27 (3) The training shall be an integrated approach to sexual assault  
28 cases so that prosecutors, law enforcement, defenders, and victim  
29 advocates can all benefit from the training.

1 (4) The training shall be self-supporting through fees charged to  
2 the participants of the training. The counties may use the funds  
3 available under RCW 82.14.310, 82.14.315, 82.14.320, and 82.14.340 to  
4 pay for participants' training.

5 NEW SECTION. **Sec. 3.** (1) Rape crisis centers which are eligible  
6 for funding from the department of social and health services under  
7 chapter 70.125 RCW may apply for grants for the purpose of hiring and  
8 training victim advocates to assist victims and their families through  
9 the investigation and prosecution of sexual assault cases. The victim  
10 advocates shall complete a training program either through the criminal  
11 justice training program under section 2 of this act or, at the  
12 election of the rape crisis center, a training program to be designed  
13 and administered by the Washington association of prosecuting attorneys  
14 and the Washington coalition of sexual assault programs.

15 (2) Twenty-five percent of the funding for the victim advocate  
16 grants under this section must be provided by one or more local,  
17 municipal, or county source, either public or private. The department  
18 shall seek, receive, and make use of any funds which may be available  
19 from federal or other sources to augment state funds appropriated for  
20 the purpose of this section, and shall make every effort to qualify for  
21 federal funding.

22 NEW SECTION. **Sec. 4.** Section 2 of this act is added to chapter  
23 43.101 RCW.

24 NEW SECTION. **Sec. 5.** Section 3 of this act is added to chapter  
25 70.125 RCW.

1        NEW SECTION.    **Sec. 6.**    If by June 30, 1991, the omnibus operating  
2 budget appropriations act for the 1991-93 biennium does not provide  
3 specific funding for section 3 of this act, referencing this act by  
4 bill number and section, section 3 of this act shall be null and void.

5        NEW SECTION.    **Sec. 7.**    This act is necessary for the immediate  
6 preservation of the public peace, health, or safety, or support of the  
7 state government and its existing public institutions, and shall take  
8 effect July 1, 1991.