

HOUSE BILL REPORT

HB 1160

As Reported By House Committee On:
Judiciary

Title: An act relating to crime victims.

Brief Description: Providing for notification to crime victims of certain rights.

Sponsors: Representatives R. Johnson, Ballasiotes, Padden, Long, Fuhrman, Campbell, Kremen, Brough, Jones, Quall, Pruitt, Rayburn, Sheahan, Horn, Brumsickle, Van Luven, Talcott, Lisk, Edmondson, Mielke, King, Miller, Wood, Foreman, Sehlin and Silver.

Brief History:

Reported by House Committee on:
Judiciary, February 16, 1993, DPS.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 17 members: Representatives Appelwick, Chair; Ludwig, Vice Chair; Padden, Ranking Minority Member; Ballasiotes, Assistant Ranking Minority Member; Campbell; Chappell; Forner; Johanson; Locke; Long; Mastin; H. Myers; Riley; Schmidt; Scott; Tate; and Wineberry.

Staff: Patricia Shelledy (786-7149).

Background: Adult and child victims of crime, survivors of victims, and witnesses have certain rights under the Washington State Constitution and as provided in statute. Reasonable efforts must be made to ensure that victims and survivors of victims are able to exercise their rights. A few examples of the rights are: (1) the right to be informed of the final disposition of the case; (2) the right to attend the proceedings; (3) the right to a secure waiting area while waiting to testify; (4) the right to make a victim impact statement at trial sentencing; and (5) in the case of child victims, the right to have a crime victim advocate attend the trial with the child.

Summary of Substitute Bill: Additional rights are provided to adult and child victims of violent or sex offenses. Reasonable efforts must be made to give to the victim a

written statement of the victim's rights. The statement should include the name, address, and telephone number of a county or local crime victim/witness program, if such a program exists. If the victim is a child, the statement may either be given to the child or to the child's parent or guardian if appropriate. The statement should be given when the victim reports the crime.

Reasonable efforts should also be made to have a crime victim advocate from a crime victim/witness program present at any prosecutorial or defense interviews with the victim. This requirement applies only if the presence of the crime victim advocate does not cause delay in the investigation or prosecution of the case. The role of the advocate is to provide emotional support to the victim.

Substitute Bill Compared to Original Bill: The impact of the bill is narrowed to apply to victims of violent or sex offenses. Law enforcement should make reasonable efforts to give the written statement of rights to the victims at the scene of the crime, but if that is not practical the agency does not need to send the statement to the victim within 14 days of the report. Law enforcement does not have to provide a crime victim advocate at the scene. An advocate may attend prosecutorial or defense interviews if practical and if it does not result in delay. The role of the advocate is limited to provide emotional support to the victim.

Fiscal Note: Requested February 4, 1993.

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

Testimony For: Many crime victims are unaware of their rights. This bill will give them notice of their rights. Advocates also assist victims who may need support through the investigation and prosecution.

Testimony Against: The bill places an unworkable burden on law enforcement to provide notice to all crime victims of their rights and to bring an advocate to the scene of all crimes and all crime reports. If the victim is traumatized by the crime, the victim may not remember receiving a copy of the rights. A more effective way to ensure that victims are aware of their rights is to have a crime victims advocacy unit contact them after the crime.

Witnesses: Representative Rob Johnson, prime sponsor (pro); Gretchen Paque, Skagit County Prosecuting Attorney's Office (pro); Beverly Emery, Office of Crime Victims Advocacy (pro); Jackie McFayden, Association of Washington Cities

(con); John Wurner, Olympia Police Chief (con); Tim Schellberg, Washington Association of Sheriffs and Police Chiefs (con); and Pamela Davenport, Secretary of State Address Confidentiality Program (pro).