

FINAL BILL REPORT

SHB 1610

C 288 L 95

Synopsis as Enacted

Brief Description: Increasing involvement of victims in criminal prosecutions.

Sponsors: House Committee on Law & Justice (originally sponsored by Representatives Delvin, Costa, Ballasiotes, Padden, Tokuda, Kremen, Chappell, Morris, Campbell, Hatfield, Cody, Regala, Romero, Hickel, Sheldon, Robertson and Kessler).

House Committee on Law & Justice
Senate Committee on Law & Justice

Background: Under the Sentencing Reform Act, the prosecuting attorney may enter into a plea agreement with the defendant in a criminal case under certain situations. Whenever the prosecuting attorney enters into a plea agreement with an accused, he or she must state to the court, at the time of the defendant's plea, the nature of the agreement and the reasons for the agreement. The court determines whether the agreement is consistent with the interests of justice and with the prosecuting standards. If the court determines the plea is not consistent with the interests of justice and the prosecuting standards, the defendant and the prosecutor are not bound by the agreement and the defendant may withdraw the plea of guilty and enter a plea of not guilty.

The Sentencing Reform Act also provides that a prosecuting attorney may decline to prosecute in situations where prosecution would serve no public purpose, would defeat the underlying purpose of the law, or would result in decreased respect for the law. For example, a prosecutor may decline to prosecute certain crimes if the victim requests that no criminal charges be filed.

The prosecuting attorney may engage in discussions and reach agreements with the defendant or the defendant's representative regarding the selection or disposition of charges prior to the filing of charges.

Victims of crimes are granted certain rights under the state constitution and statutes. The Washington Constitution provides that crime victims have the right to be informed of and attend trial and all other court proceedings the defendant has a right to attend, and the right to make a statement at sentencing or any hearing where the defendant's release is being considered.

Statutory provisions grant crime victims additional rights, including the right to be informed of the final disposition of the case, the right to have a crime victim advocate present when the victim of a violent or sex crime is being interviewed by the prosecutor or the defense, the right to be notified of the time of the trial and sentencing and to be present in court proceedings, and the right to submit a victim impact statement or report to the court.

Summary: The prosecuting attorney shall make reasonable efforts to notify the victims of all crimes against persons of the nature of and reasons for a plea agreement, and to ascertain any objections or comments the victims have concerning a plea agreement. At the time of the defendant's plea, the prosecutor shall inform the court whether the victims of all crimes against persons covered in the plea agreement have expressed any objections to or comments on the plea agreement.

The prosecuting attorney may enter into discussions with the victim or victims of a crime regarding the selection or disposition of charges prior to the filing of charges. These discussions may be considered by the prosecutor in charging and disposition decisions.

Votes on Final Passage:

House	94	0	
Senate	40	0	(Senate amended)
House	93	0	(House concurred)

Effective: July 23, 1995