

HOUSE BILL ANALYSIS

HB 1215

Title: An act relating to rights of child victims and witnesses.

Brief Description: Respecting the rights of child victims and witnesses testifying in court.

Sponsors: Representatives Costa, Sheahan, Radcliff, Lantz, Kenney, Cody, Scott, Hatfield, Kessler, O'Brien, Wensman, Sheldon, Thompson, Keiser, Ogden and Mason.

HOUSE COMMITTEE ON LAW & JUSTICE

Staff: Trudes Hutcheson (786-7384).

Background: Child victims and witnesses are given special protections in criminal proceedings to ensure that they are treated with sensitivity, courtesy, and special care.— RCW 7.69A.010. Law enforcement agencies, prosecutors, and judges must make every reasonable effort to provide certain rights to the child. Some of those rights include: (a) the right to have explained, in language easily understood by the child, all legal proceedings and police investigations that the child may be involved in; and (b) the right to have a crime victim advocate present in court while the child testifies. See RCW 7.69A.030.

The failure to make a reasonable effort to ensure that child victims and witnesses are afforded the rights enumerated shall not result in civil liability so long as the failure to make a reasonable effort was in good faith and without gross negligence. RCW 7.69A.040.

Court rules require that a court exercise reasonable control over the method and order witnesses are questioned so as to make interrogation and presentation of evidence effective for the ascertainment of the truth, avoid needless consumption of time, and protect witnesses from harassment or undue embarrassment. Evidence Rule 611.

Summary of Bill: Every reasonable effort must be made to ensure that child victims and witnesses testifying in court are protected from undue harassment, embarrassment, and the unnecessary repetition of questions. To meet this objective, the court shall: (a) exercise reasonable control over the mode and order of interrogating witnesses and presenting evidence; (b) take special care to ensure the questions are stated in a form the child can understand; and (c) on objection by a

party and in the interest of justice, forbid a party from asking the child a question that the child is not likely to understand.

Fiscal Note: Not requested.

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

Office of Program Research