

CERTIFICATION OF ENROLLMENT

SENATE BILL 5538

55th Legislature
1997 Regular Session

Passed by the Senate March 12, 1997
YEAS 47 NAYS 0

President of the Senate

Passed by the House April 26, 1997
YEAS 98 NAYS 0

**Speaker of the
House of Representatives**

Approved

Governor of the State of Washington

CERTIFICATE

I, Mike O Connell, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SENATE BILL 5538** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

SENATE BILL 5538

Passed Legislature - 1997 Regular Session

State of Washington 55th Legislature 1997 Regular Session

By Senators Long, Hargrove, Zarelli, Oke and Winsley

Read first time 01/30/97. Referred to Committee on Law & Justice.

1 AN ACT Relating to child victims and witnesses; amending RCW
2 7.69A.030; adding a new section to chapter 7.69A RCW; and prescribing
3 penalties.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 7.69A RCW
6 to read as follows:

7 At the time of reporting a crime to law enforcement officials and
8 at the time of the initial witness interview, child victims or child
9 witnesses of violent crimes, sex crimes, or child abuse and the child's
10 parents shall be informed of their rights to not have their address
11 disclosed by any law enforcement agency, prosecutor's office, defense
12 counsel, or state agency without the permission of the child victim or
13 the child's parents or legal guardian. The address may be disclosed to
14 another law enforcement agency, prosecutor, defense counsel, or private
15 or governmental agency that provides services to the child.
16 Intentional disclosure of an address in violation of this section is a
17 misdemeanor.

1 **Sec. 2.** RCW 7.69A.030 and 1993 c 350 s 8 are each amended to read
2 as follows:

3 In addition to the rights of victims and witnesses provided for in
4 RCW 7.69.030, there shall be every reasonable effort made by law
5 enforcement agencies, prosecutors, and judges to assure that child
6 victims and witnesses are afforded the rights enumerated in this
7 section. Except as provided in section 1 of this act regarding child
8 victims or child witnesses of violent crimes, sex crimes, or child
9 abuse, the enumeration of rights shall not be construed to create
10 substantive rights and duties, and the application of an enumerated
11 right in an individual case is subject to the discretion of the law
12 enforcement agency, prosecutor, or judge. Child victims and witnesses
13 have the following rights:

14 (1) To have explained in language easily understood by the child,
15 all legal proceedings and/or police investigations in which the child
16 may be involved.

17 (2) With respect to child victims of sex or violent crimes or child
18 abuse, to have a crime victim advocate from a crime victim/witness
19 program present at any prosecutorial or defense interviews with the
20 child victim. This subsection applies if practical and if the presence
21 of the crime victim advocate does not cause any unnecessary delay in
22 the investigation or prosecution of the case. The role of the crime
23 victim advocate is to provide emotional support to the child victim and
24 to promote the child's feelings of security and safety.

25 (3) To be provided, whenever possible, a secure waiting area during
26 court proceedings and to have an advocate or support person remain with
27 the child prior to and during any court proceedings.

28 (4) To not have the names, addresses, nor photographs of the living
29 child victim or witness disclosed by any law enforcement agency,
30 prosecutor's office, or state agency without the permission of the
31 child victim, child witness, parents, or legal guardians to anyone
32 except another law enforcement agency, prosecutor, defense counsel, or
33 private or governmental agency that provides services to the child
34 victim or witness.

35 (5) To allow an advocate to make recommendations to the prosecuting
36 attorney about the ability of the child to cooperate with prosecution
37 and the potential effect of the proceedings on the child.

1 (6) To allow an advocate to provide information to the court
2 concerning the child's ability to understand the nature of the
3 proceedings.

4 (7) To be provided information or appropriate referrals to social
5 service agencies to assist the child and/or the child's family with the
6 emotional impact of the crime, the subsequent investigation, and
7 judicial proceedings in which the child is involved.

8 (8) To allow an advocate to be present in court while the child
9 testifies in order to provide emotional support to the child.

10 (9) To provide information to the court as to the need for the
11 presence of other supportive persons at the court proceedings while the
12 child testifies in order to promote the child's feelings of security
13 and safety.

14 (10) To allow law enforcement agencies the opportunity to enlist
15 the assistance of other professional personnel such as child protection
16 services, victim advocates or prosecutorial staff trained in the
17 interviewing of the child victim.

18 (11) With respect to child victims of violent or sex crimes or
19 child abuse, to receive either directly or through the child's parent
20 or guardian if appropriate, at the time of reporting the crime to law
21 enforcement officials, a written statement of the rights of child
22 victims as provided in this chapter. The written statement shall
23 include the name, address, and telephone number of a county or local
24 crime victim/witness program, if such a crime victim/witness program
25 exists in the county.

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