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## Judiciary Committee

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# PSHB 2311

**Title:** An act relating to ensuring victims' rights to express their views regarding a plea agreement before a court.

**Brief Description:** Ensuring victims the right to express their view concerning a plea agreement.

**Sponsors:** Representatives Carrell, Mielke, Boldt, Nixon, McDonald, Pearson, McMahan, Anderson, Clements, Ahern, Hinkle and Benson.

### **Brief Summary of Proposed Substitute Bill**

- Grants victims' representatives in an aggravated first degree murder case the right to express their views on a plea agreement and have them considered by the court in deciding whether to accept or reject the plea agreement.
- Requires prosecutors to explain to victims' representatives in an aggravated first degree murder case their rights in the plea agreement process.

**Hearing Date:** 1/23/04

**Staff:** Wendy Chen (786-7119); Bill Perry (786-7123).

### **Background:**

Washington crime victims have certain constitutional and statutory rights. The Constitution grants victims of felony crimes the right to be informed of, to attend, and to make statements at certain court proceedings. Victims' rights statutes afford a number of additional rights, including the right of violent or sex crime victims to be informed of their rights when they report a crime and to have a crime victim advocate present at judicial proceedings; the right of felony crime victims to present a statement at the sentencing hearing; and the right of all crime victims to be informed of the disposition of the case, to submit a victim impact statement to the court, and to present a statement regarding an application for pardon or commutation of sentence. Victims may designate, or have a prosecutor designate, a representative to exercise their rights.

The Sentencing Reform Act (SRA) provides for plea agreements between the prosecutor and defendant in which the defendant agrees to plea to a certain offense, and the prosecutor agrees to drop or reduce certain charges or recommend certain sentences. The court must approve plea agreements as consistent with the interests of justice and with prosecuting standards under the SRA.

The SRA requires a prosecutor to make reasonable efforts to provide victims of a violent offense information about the plea agreement and to ascertain and inform the court of any objections or comments from victims.

A person found guilty of aggravated first degree murder is subject to life imprisonment or capital punishment.

**Summary of Proposed Substitute Bill:**

A victim's representative in an aggravated first degree murder case has the right to be notified when a plea agreement is presented to the court and also has the right to express his or her views on the agreement. The court must consider the views in deciding whether to accept or reject the agreement.

Before presenting a plea agreement to the court, a prosecutor must explain to victims' representatives in an aggravated first degree murder case their rights under the Washington State Constitution, the process and circumstances leading to the plea agreement, and the services of victim advocates in helping the representatives submit impact statements. The prosecutor must ensure that the representatives have notice that a plea agreement will be presented to the court and have the opportunity to express their views on the agreement.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** The bill takes effect 90 days after adjournment of session in which bill is passed.