

1 On page 7, line 3 of the striking amendment, after "offenses."
2 strike all material through "defendant." on line 12 and insert the
3 following:

4 "(2) Law enforcement and prosecution agencies ((shall not)) may
5 employ minors to aid in the investigation of a violation of RCW
6 9.68A.090 or 9.68A.100 through 9.68A.102 for the purpose of
7 facilitating an investigation where the minor is also the alleged
8 victim, subject to the following requirements:

9 (a) The law enforcement or prosecution agency has called a crime
10 victim advocate from a crime victim/witness program or any other
11 support person of the victim's choosing to advise the minor;

12 (b) The minor is advised of his or her rights under RCW 7.69A.030;

13 (c) The minor is advised of the risk that the alleged perpetrator
14 may learn of his or her participation in the investigation; and

15 (d)(i) The investigation is authorized pursuant to RCW
16 9.73.230(1)(b)(ii) or 9.73.210(1)(b); or

17 (ii) The minor's aid in the investigation involves only telephone
18 or electronic communication with the defendant."

19
20 Renumber the remaining subsections consecutively and correct any
21 internal references accordingly.

22
23 On page 8, after line 32 of the striking amendment, insert the
24 following:

25 "**Sec. 5.** RCW 7.69A.030 and 2004 c 120 s 9 are each amended to
26 read as follows:

27

1 In addition to the rights of victims and witnesses provided for in
2 RCW 7.69.030, there shall be every reasonable effort made by law
3 enforcement agencies, prosecutors, and judges to assure that child
4 victims and witnesses are afforded the rights enumerated in this
5 section. Except as provided in RCW 7.69A.050 regarding child victims
6 or child witnesses of violent crimes, sex crimes, or child abuse, the
7 enumeration of rights shall not be construed to create substantive
8 rights and duties, and the application of an enumerated right in an
9 individual case is subject to the discretion of the law enforcement
10 agency, prosecutor, or judge. Child victims and witnesses have the
11 following rights, which apply to any criminal court and/or juvenile
12 court proceeding, as well as employment of a minor in an investigation
13 pursuant to RCW 9.68A.110:

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
18 child abuse, to have a crime victim advocate from a crime
19 victim/witness program, or any other support person of the victim's
20 choosing, present at any prosecutorial or defense interviews with the
21 child victim. This subsection applies if practical and if the
22 presence of the crime victim advocate or support person does not cause
23 any unnecessary delay in the investigation or prosecution of the case.
24 The role of the crime victim advocate is to provide emotional support
25 to the child victim and to promote the child's feelings of security
26 and safety.

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

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

1 private or governmental agency that provides services to the child
2 victim or witness.

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

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

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

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

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

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

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

31
32 Renumber the remaining sections consecutively and correct any
33 internal references accordingly.

34

EFFECT: Requires that law enforcement or the prosecutor call a crime victim advocate or other support person of the victim's choosing to advise the minor. Extends the rights of child victims and witnesses in court proceedings to minors who participate in an investigation of Communication with a Minor for Immoral Purposes, Commercial Sexual Abuse of a Minor, Promoting Commercial Sexual Abuse of a Minor, and Promoting Travel for Commercial Sexual Abuse of a Minor.

--- END ---