

SHB 1898 - S COMM AMD

By Committee on Law & Justice

ADOPTED 4/13/2015

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** (1) The legislature finds that RCW
4 9A.44.150, which allows testimony of child victims by closed-circuit
5 television in certain cases, helps protect certain child witnesses.
6 During the prosecution of many child abuse cases, child victims may
7 suffer serious emotional and mental trauma from exposure to the
8 abuser. Some of these child victims are unable to testify at all in
9 the presence of the abuser. For these reasons, the legislature found
10 it a compelling state interest to allow for remote testimony in
11 certain cases to enhance the truth-seeking process and to shield
12 child victims from trauma.

13 (2) The legislature further finds that while there is a
14 possibility for certain child victims to testify remotely in some
15 cases, this procedure is rarely used. The legislature intends to
16 raise awareness regarding this procedure by including it in training
17 materials for investigating and prosecuting sexual assault cases.

18 **Sec. 2.** RCW 43.101.270 and 1991 c 267 s 2 are each amended to
19 read as follows:

20 (1) Each year the criminal justice training commission shall
21 offer an intensive, integrated training session on investigating and
22 prosecuting sexual assault cases. The training shall place particular
23 emphasis on the development of professionalism and sensitivity
24 towards the victim and the victim's family.

25 (2) The commission shall seek advice from the Washington
26 association of prosecuting attorneys, the Washington defender
27 association, the Washington association of sheriffs and police
28 chiefs, and the Washington coalition of sexual assault programs.

29 (3) The training shall be an integrated approach to sexual
30 assault cases so that prosecutors, law enforcement, defenders, and
31 victim advocates can all benefit from the training.

1 (4) The training shall be self-supporting through fees charged to
2 the participants of the training.

3 (5) The training shall include a reference to the possibility
4 that a court may allow children under the age of fourteen to testify
5 in a room outside the presence of the defendant and the jury pursuant
6 to RCW 9A.44.150.

7 NEW SECTION. Sec. 3. A new section is added to chapter 43.101
8 RCW to read as follows:

9 The criminal justice training commission shall annually survey
10 law enforcement and prosecuting agencies regarding, with respect to
11 the preceding year: (1) The frequency of cases where children under
12 the age of fourteen have elected not to testify, including the
13 reasons for the election not to testify; (2) the number of cases
14 where remote testimony pursuant to RCW 9A.44.150 was used and whether
15 those cases resulted in conviction; and (3) the total number of child
16 sexual abuse cases referred for prosecution and the number of those
17 cases that were prosecuted. The results of the survey described in
18 this section must be reported every other year to the appropriate
19 committees of the legislature with an initial reporting date of
20 December 1, 2015."

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21 On page 1, line 1 of the title, after "victims;" strike the
22 remainder of the title and insert "amending RCW 43.101.270; adding a
23 new section to chapter 43.101 RCW; and creating a new section."

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