

---

**SENATE BILL 5730**

---

**State of Washington**

**67th Legislature**

**2022 Regular Session**

**By** Senators Randall, Das, Lovelett, Saldaña, Trudeau, and C. Wilson

Prefiled 01/07/22. Read first time 01/10/22. Referred to Committee on Human Services, Reentry & Rehabilitation.

1 AN ACT Relating to confidentiality rights of child victims and  
2 witnesses; and amending RCW 7.69A.030.

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

4 **Sec. 1.** RCW 7.69A.030 and 2004 c 120 s 9 are each amended to  
5 read as follows:

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

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

1           (2) With respect to child victims of sex or violent crimes or  
2 child abuse, to have a crime victim advocate from a crime victim/  
3 witness program, or any other support person of the victim's  
4 choosing, present at any prosecutorial or defense interviews with the  
5 child victim. This subsection applies if practical and if the  
6 presence of the crime victim advocate or support person does not  
7 cause any unnecessary delay in the investigation or prosecution of  
8 the case. The role of the crime victim advocate is to provide  
9 emotional support to the child victim and to promote the child's  
10 feelings of security and safety.

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

14           (4) To not have the names, addresses, nor photographs of the  
15 living child victim or witness disclosed by any law enforcement  
16 agency, prosecutor's office, or state agency without the permission  
17 of the child victim, child witness, parents, or legal guardians to  
18 anyone except another law enforcement agency, prosecutor, defense  
19 counsel, ((~~or~~)) private ((~~or~~)) agency, governmental agency, or school  
20 district that provides services to the child victim or witness.

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

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

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

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

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

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

1           (11) With respect to child victims of violent or sex crimes or  
2 child abuse, to receive either directly or through the child's parent  
3 or guardian if appropriate, at the time of reporting the crime to law  
4 enforcement officials, a written statement of the rights of child  
5 victims as provided in this chapter. The written statement shall  
6 include the name, address, and telephone number of a county or local  
7 crime victim/witness program, if such a crime victim/witness program  
8 exists in the county.

--- END ---