

E2SSB 5635 - H COMM AMD

By Committee on Community Safety

NOT CONSIDERED 03/07/2024

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

3 **"Sec. 1.** RCW 7.69.030 and 2023 c 197 s 11 are each amended to
4 read as follows:

5 (1) There shall be a reasonable effort made to ensure that
6 victims, survivors of victims, and witnesses of crimes have the
7 following rights, which apply to any adult or juvenile criminal
8 proceeding and any civil commitment proceeding under chapter 71.09
9 RCW:

10 (a) With respect to victims of violent or sex crimes, to receive,
11 at the time of reporting the crime to law enforcement officials, a
12 written statement of the rights of crime victims as provided in this
13 chapter. The written statement shall include the name, address, and
14 telephone number of a county or local crime victim/witness program,
15 if such a crime victim/witness program exists in the county;

16 (b) To be informed by local law enforcement agencies or the
17 prosecuting attorney of the final disposition of the case in which
18 the victim, survivor, or witness is involved;

19 (c) To be notified by the party who issued the subpoena that a
20 court proceeding to which they have been subpoenaed will not occur as
21 scheduled, in order to save the person an unnecessary trip to court;

22 (d) To receive protection from harm and threats of harm arising
23 out of cooperation with law enforcement and prosecution efforts, and
24 to be provided with information as to the level of protection
25 available;

26 (e) To be informed of the procedure to be followed to apply for
27 and receive any witness fees to which they are entitled;

28 (f) To be provided, whenever practical, a secure waiting area
29 during court proceedings that does not require them to be in close
30 proximity to defendants and families or friends of defendants;

1 (g) To have any stolen or other personal property expeditiously
2 returned by law enforcement agencies or the superior court when no
3 longer needed as evidence. When feasible, all such property, except
4 weapons, currency, contraband, property subject to evidentiary
5 analysis, and property of which ownership is disputed, shall be
6 photographed and returned to the owner within ten days of being
7 taken;

8 (h) To be provided with appropriate employer intercession
9 services to ensure that employers of victims, survivors of victims,
10 and witnesses of crime will cooperate with the criminal justice
11 process or the civil commitment process under chapter 71.09 RCW in
12 order to minimize an employee's loss of pay and other benefits
13 resulting from court appearance;

14 (i) To access to immediate medical assistance and not to be
15 detained for an unreasonable length of time by a law enforcement
16 agency before having such assistance administered. However, an
17 employee of the law enforcement agency may, if necessary, accompany
18 the person to a medical facility to question the person about the
19 criminal incident if the questioning does not hinder the
20 administration of medical assistance. Victims of domestic violence,
21 sexual assault, or stalking, as defined in RCW 49.76.020, shall be
22 notified of their right to reasonable leave from employment under
23 chapter 49.76 RCW;

24 (j) With respect to victims of violent and sex crimes, to have a
25 crime victim advocate from a crime victim/witness program, or any
26 other support person of the victim's choosing, present at any
27 prosecutorial or defense interviews with the victim, and at any
28 judicial proceedings related to criminal acts committed against the
29 victim. This subsection applies if practical and if the presence of
30 the crime victim advocate or support person does not cause any
31 unnecessary delay in the investigation or prosecution of the case.
32 The role of the crime victim advocate is to provide emotional support
33 to the crime victim;

34 (k) With respect to victims and survivors of victims, to be
35 physically present in court during trial, or if subpoenaed to
36 testify, to be scheduled as early as practical in the proceedings in
37 order to be physically present during trial after testifying and not
38 to be excluded solely because they have testified;

39 (l) With respect to victims and survivors of victims in any
40 felony case, any case involving domestic violence, or any final

1 determination under chapter 71.09 RCW, to be informed by the
2 prosecuting attorney of the date, time, and place of the trial and of
3 the sentencing hearing or disposition hearing upon request by a
4 victim or survivor;

5 (m) To submit a victim impact statement or report to the court,
6 with the assistance of the prosecuting attorney if requested, which
7 shall be included in all presentence reports and permanently included
8 in the files and records accompanying the offender committed to the
9 custody of a state agency or institution;

10 (n) With respect to victims and survivors of victims in any
11 felony case or any case involving domestic violence, to present a
12 statement, personally or by representation, at the sentencing
13 hearing; ~~((and))~~

14 (o) To have the victim's safety considered in bail determinations
15 and any determinations of whether to impose other conditions of
16 pretrial release;

17 (p) To have the written input of the victim or family of the
18 victim considered at the court's discretion when setting a trial
19 date: Provided, however, that such input may not impair the right of
20 the state to present an effective prosecution or the right of the
21 defendant to present an effective defense, and the court must explain
22 the reason for any delay if the trial date cannot be set in a
23 reasonable time frame;

24 (q) To be informed of victim notification services which may be
25 available, and which can provide notification regarding the
26 offender's place of incarceration, release from confinement, and of
27 any escape; and

28 (r) With respect to victims and survivors of victims, to entry of
29 an order of restitution by the court in all felony cases, even when
30 the offender is sentenced to confinement, unless extraordinary
31 circumstances exist which make restitution inappropriate in the
32 court's judgment.

33 (2) If a victim, survivor of a victim, or witness of a crime is
34 denied a right under this section, the person may seek an order
35 directing compliance by the relevant party or parties by filing a
36 petition in the superior court in the county in which the crime
37 occurred and providing notice of the petition to the relevant party
38 or parties. Compliance with the right is the sole available remedy.
39 The court shall expedite consideration of a petition filed under this
40 subsection.

1 NEW SECTION. **Sec. 2.** The legislature intends to provide funding
2 to the office of crime victims advocacy in an amount sufficient to
3 support crime victim advocates and prosecutors in their work to
4 ensure the rights granted to victims, survivors of victims, and
5 witnesses of crimes in RCW 7.69.030 are protected."

6 Correct the title.

EFFECT: Requires a reasonable effort to be made to ensure that the victim's safety is considered in bail determinations and any determinations of whether to impose other conditions of pretrial release, rather than only in bail determinations. Makes nonsubstantive grammatical changes to ensure the amendatory language in the bill is consistent with the underlying statutory language related to the rights of victims, survivors of victims, and witnesses of crimes.

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