

# SENATE BILL REPORT

## SB 5635

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As of February 9, 2023

**Title:** An act relating to enhancing victims' rights.

**Brief Description:** Concerning victims' rights.

**Sponsors:** Senators Braun, Dhingra, Frame, Wilson, C. and Wilson, L..

**Brief History:**

**Committee Activity:** Law & Justice: 2/13/23.

### Brief Summary of Bill

- Expands the rights of victims and survivors of victims to be informed of the trial and sentencing hearing in any case, and to present a statement personally or by representation at the sentencing in any case.
- Provides additional rights to have the victims' safety considered in bail considerations, to be heard when the court sets a date for trial, and to be informed of the offenders place of incarceration, release from confinement, and any escape.
- Requires the state to provide funding sufficient to support crime victim advocates and prosecutors in their work to ensure the rights granted to victims, survivors of victims, and witnesses of crimes are protected.

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### SENATE COMMITTEE ON LAW & JUSTICE

**Staff:** Tim Ford (786-7423)

**Background:** Under Washington law, a reasonable effort must be made to ensure that victims, survivors of victims, and witnesses of crimes have various rights in criminal court and juvenile court proceedings. Some examples of the rights that should be afforded to victims, survivors of victims, and witnesses of crimes include:

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- with respect to victims of violent and sex crimes, to have a crime victim advocate from a crime victim/witness program, or any other support person of the victim's choosing, present at any prosecutorial or defense interviews with the victim, and at any judicial proceedings related to criminal acts committed against the victim;
- with respect to victims and survivors of victims, to be physically present in court during trial, or if subpoenaed to testify, to be scheduled as early as practical in the proceedings in order to be physically present during trial after testifying and not to be excluded solely because they have testified;
- with respect to victims and survivors of victims, to be informed by the prosecuting attorney of the date, time, and place of the trial and of the sentencing hearing for felony convictions upon request by a victim or survivor;
- to submit a victim impact statement or report to the court, with the assistance of the prosecuting attorney if requested, which must be included in all presentence reports and permanently included in the files and records accompanying the offender committed to the custody of a state agency or institution; and
- with respect to victims and survivors of victims, to present a statement personally or by representation, at the sentencing hearing for felony convictions.

**Summary of Bill:** Victims and survivors of victims have a right to be informed of the date, time, and place of the trial and sentencing hearing, and are allowed to present a statement personally or by representation, at the sentencing hearing for convictions for any case. The change removes a limitation that those rights are only for a felony case or case involving domestic violence.

The following additional rights are provided for victims, survivors of victims, and witnesses of crimes:

- to have the victim's safety considered in bail determinations;
- to be heard when the court sets a date for trial:
  1. a court when setting a trial date may take into consideration the input of the victim or family of a victim;
  2. the right of a victim to be heard on the scheduling of a trial date cannot impair the right of the state to present an effective prosecution or the right of the defendant to present an effective defense;
  3. if a trial cannot be provided in a reasonable time frame, the court shall provide an explanation for the delay; and
- to be informed of victim notification services which may be available, and which can provide notification regarding the offender's place of incarceration, release from confinement, and of any escape.

The state shall provide funding to the Office of Crime Victims Advocacy in an amount sufficient to support crime victim advocates and prosecutors in their work to ensure the rights granted to victims, survivors of victims, and witnesses of crimes are protected.

**Appropriation:** None.

**Fiscal Note:** Requested on February 8, 2023.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.