
ENGROSSED SECOND SUBSTITUTE SENATE BILL 5635

State of Washington

68th Legislature

2023 Regular Session

By Senate Ways & Means (originally sponsored by Senators Braun, Dhingra, Frame, C. Wilson, and L. Wilson)

READ FIRST TIME 02/24/23.

1 AN ACT Relating to enhancing victims' rights; amending RCW
2 7.69.030; and creating a new section.

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

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

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

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

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

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

4 (d) To receive protection from harm and threats of harm arising
5 out of cooperation with law enforcement and prosecution efforts, and
6 to be provided with information as to the level of protection
7 available;

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

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

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

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

26 (i) To access to immediate medical assistance and not to be
27 detained for an unreasonable length of time by a law enforcement
28 agency before having such assistance administered. However, an
29 employee of the law enforcement agency may, if necessary, accompany
30 the person to a medical facility to question the person about the
31 criminal incident if the questioning does not hinder the
32 administration of medical assistance. Victims of domestic violence,
33 sexual assault, or stalking, as defined in RCW 49.76.020, shall be
34 notified of their right to reasonable leave from employment under
35 chapter 49.76 RCW;

36 (j) With respect to victims of violent and sex crimes, to have a
37 crime victim advocate from a crime victim/witness program, or any
38 other support person of the victim's choosing, present at any
39 prosecutorial or defense interviews with the victim, and at any
40 judicial proceedings related to criminal acts committed against the

1 victim. This subsection applies if practical and if the presence of
2 the crime victim advocate or support person does not cause any
3 unnecessary delay in the investigation or prosecution of the case.
4 The role of the crime victim advocate is to provide emotional support
5 to the crime victim;

6 (k) With respect to victims and survivors of victims, to be
7 physically present in court during trial, or if subpoenaed to
8 testify, to be scheduled as early as practical in the proceedings in
9 order to be physically present during trial after testifying and not
10 to be excluded solely because they have testified;

11 (l) With respect to victims and survivors of victims in any
12 felony case, any case involving domestic violence, or any final
13 determination under chapter 71.09 RCW, to be informed by the
14 prosecuting attorney of the date, time, and place of the trial and of
15 the sentencing hearing or disposition hearing upon request by a
16 victim or survivor;

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

22 (n) With respect to victims and survivors of victims in any
23 felony case or any case involving domestic violence, to present a
24 statement, personally or by representation, at the sentencing
25 hearing; ~~((and))~~

26 (o) To have the victim's safety considered in bail
27 determinations;

28 (p) A court when setting a trial date may take into consideration
29 the written input of the victim or family of a victim. However, the
30 victim's input on the scheduling of a trial date cannot impair the
31 right of the state to present an effective prosecution or the right
32 of the defendant to present an effective defense. If a trial cannot
33 be provided in a reasonable time frame, the court shall provide an
34 explanation for the delay;

35 (q) To be informed of victim notification services which may be
36 available, and which can provide notification regarding the
37 offender's place of incarceration, release from confinement, and of
38 any escape; and

39 (r) With respect to victims and survivors of victims, to entry of
40 an order of restitution by the court in all felony cases, even when

1 the offender is sentenced to confinement, unless extraordinary
2 circumstances exist which make restitution inappropriate in the
3 court's judgment.

4 (2) If a victim, survivor of a victim, or witness of a crime is
5 denied a right under this section, the person may seek an order
6 directing compliance by the relevant party or parties by filing a
7 petition in the superior court in the county in which the crime
8 occurred and providing notice of the petition to the relevant party
9 or parties. Compliance with the right is the sole available remedy.
10 The court shall expedite consideration of a petition filed under this
11 subsection.

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

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