
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 2022 c 229 s 1 are each amended to read
5 as follows:

6 There shall be a reasonable effort made to ensure that victims,
7 survivors of victims, and witnesses of crimes have the following
8 rights, which apply to any criminal court and/or juvenile court
9 proceeding:

10 (1) 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 (2) 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 (3) 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;

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

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

7 (6) To be provided, whenever practical, a secure waiting area
8 during court proceedings that does not require them to be in close
9 proximity to defendants and families or friends of defendants;

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

17 (8) To be provided with appropriate employer intercession
18 services to ensure that employers of victims, survivors of victims,
19 and witnesses of crime will cooperate with the criminal justice
20 process in order to minimize an employee's loss of pay and other
21 benefits resulting from court appearance;

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

32 (10) With respect to victims of violent and sex crimes, to have a
33 crime victim advocate from a crime victim/witness program, or any
34 other support person of the victim's choosing, present at any
35 prosecutorial or defense interviews with the victim, and at any
36 judicial proceedings related to criminal acts committed against the
37 victim. This subsection applies if practical and if the presence of
38 the crime victim advocate or support person does not cause any
39 unnecessary delay in the investigation or prosecution of the case.

1 The role of the crime victim advocate is to provide emotional support
2 to the crime victim;

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

8 (12) With respect to victims and survivors of victims in any
9 ((felony)) case (~~or any case involving domestic violence~~), to be
10 informed by the prosecuting attorney of the date, time, and place of
11 the trial and of the sentencing hearing upon request by a victim or
12 survivor;

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

18 (14) With respect to victims and survivors of victims in any
19 ((felony)) case (~~or any case involving domestic violence~~), to
20 present a statement, personally or by representation, at the
21 sentencing hearing; (~~and~~)

22 (15) To have the victim's safety considered in bail
23 determinations;

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

31 (17) To be informed of victim notification services which may be
32 available, and which can provide notification regarding the
33 offender's place of incarceration, release from confinement, and of
34 any escape; and

35 (18) With respect to victims and survivors of victims, to entry
36 of an order of restitution by the court in all felony cases, even
37 when the offender is sentenced to confinement, unless extraordinary
38 circumstances exist which make restitution inappropriate in the
39 court's judgment.

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.

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