

SENATE BILL REPORT

SB 5612

As Amended by House, March 4, 2022

Title: An act relating to ensuring domestic violence victims and survivors of victims have the opportunity to make a statement during sentencing for all domestic violence convictions.

Brief Description: Ensuring domestic violence victims and survivors of victims have the opportunity to make a statement during sentencing for all domestic violence convictions.

Sponsors: Senators Wilson, L., Warnick, Braun, Brown, Dhingra, Keiser, Lovick, Mullet, Rolfes, Short, Wagoner and Wilson, J..

Brief History:

Committee Activity: Law & Justice: 1/18/22, 1/20/22 [DP].

Floor Activity: Passed Senate: 1/28/22, 43-0.

Passed House: 3/4/22, 98-0.

Brief Summary of Bill

- Enables victims and survivors of victims to present a statement personally or by representation at the sentencing hearing for convictions involving domestic violence.

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass.

Signed by Senators Dhingra, Chair; Trudeau, Vice Chair; Padden, Ranking Member; McCune, Assistant Ranking Member; Honeyford, Kuderer, Pedersen, Salomon and Wagoner.

Staff: Ryan Giannini (786-7285)

Background: Under Washington law, a reasonable effort must be made to ensure that

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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:

- 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 are allowed to present a statement personally or by representation, at the sentencing hearing for convictions involving domestic violence.

Appropriation: None.

Fiscal Note: Not requested.

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

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

Staff Summary of Public Testimony: PRO: It is an oversight in the law that victims and survivors of victims of felonies are afforded statutory rights to speak at a sentencing hearing for felony convictions, while victims and survivors of victims of non-felony domestic violence offenses are not afforded the same statutory rights. This oversight should be corrected because domestic violence victims and survivors of victims do not experience any less level of abuse than victims or survivor of victims of felonies. While courts are often good at affording domestic violence victims and survivors of victims the right to speak at sentencing hearings for domestic violence convictions, the opportunity for victims or survivors of victims to speak is not always given. It is important for domestic violence victims and survivors of victims to speak at sentencing hearings for domestic violence convictions because their testimonies educate everyone and allows our society to address

the issue of domestic violence. Having the ability to speak at sentencing hearings is also a key part in allowing domestic violence victims and survivors of victims to recover and would allow them to participate in the criminal justice system.

Persons Testifying: PRO: Senator Lynda Wilson, Prime Sponsor; Lauren Boyd; Tanya Wollstein, Vancouver Police Department; Adam Beck.

Persons Signed In To Testify But Not Testifying: No one.

EFFECT OF HOUSE AMENDMENT(S):

- Requires the prosecuting attorney to notify victims and survivors of victims in any domestic violence case of the date, time, and place of the trial and of the sentencing hearing upon request by a victim or survivor.
- Reorganizes the provision regarding the right to provide statements at sentencing hearings by providing that it applies to "any felony case or any case involving domestic violence", rather than "felony convictions and convictions involving domestic violence."