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HOUSE BILL 1974

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State of Washington

65th Legislature

2017 Regular Session

By Representative Klippert

1 AN ACT Relating to the rights of crime victims, survivors of  
2 crime victims, and witnesses of crime; amending RCW 7.69.020,  
3 7.69.030, and 7.69.050; and adding a new section to chapter 7.69 RCW.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 7.69 RCW  
6 to read as follows:

7 In a trial or other proceeding, a victim, survivor, or witness,  
8 his or her attorney, or the prosecuting attorney on request of a  
9 victim, survivor, or witness, may assert and seek enforcement of the  
10 rights enumerated in this chapter and any other right afforded to  
11 victims, survivors, or witnesses by law. The court or other body with  
12 jurisdiction over the proceeding must promptly accommodate requests  
13 for exercise of victim, survivor, or witness rights, and must afford  
14 a remedy for violation of any right to which a victim, survivor, or  
15 witness is entitled.

16 **Sec. 2.** RCW 7.69.020 and 2008 c 6 s 404 are each amended to read  
17 as follows:

18 Unless the context clearly requires otherwise, the definitions in  
19 this section apply throughout this chapter.

1 (1) "Crime" means an act punishable as a felony, gross  
2 misdemeanor, or misdemeanor under the laws of this state or  
3 equivalent federal or local law.

4 (2) "Survivor" or "survivors" of a victim of crime means a spouse  
5 or domestic partner, child, parent, legal guardian, sibling, or  
6 grandparent of a victim who is a person. If there is more than one  
7 survivor of a victim of crime, one survivor shall be designated by  
8 the prosecutor to represent all survivors for purposes of providing  
9 the notice to survivors required by this chapter.

10 (3) "Victim" means a person against whom a crime has been  
11 committed or the representative of a person or a licensed business  
12 against whom a crime has been committed.

13 (4) "Victim impact statement" means a statement submitted to the  
14 court by the victim or a survivor, individually or with the  
15 assistance of the prosecuting attorney if assistance is requested by  
16 the victim or survivor, which may include but is not limited to  
17 information assessing the financial, medical, social, and  
18 psychological impact of the offense upon the victim or survivors.

19 (5) "Witness" means a person who has been or is expected to be  
20 summoned to testify for the prosecution in a criminal action, or who  
21 by reason of having relevant information is subject to call or likely  
22 to be called as a witness for the prosecution, whether or not an  
23 action or proceeding has been commenced.

24 (6) "Crime victim/witness program" means any crime victim and  
25 witness program of a county or local law enforcement agency or  
26 prosecutor's office, any rape crisis center's sexual assault victim  
27 advocacy program as provided in chapter 70.125 RCW, any domestic  
28 violence program's legal and community advocate program for domestic  
29 violence victims as provided in chapter 70.123 RCW, or any other  
30 crime victim advocacy program which provides trained advocates to  
31 assist crime victims during the investigation and prosecution of the  
32 crime.

33 **Sec. 3.** RCW 7.69.030 and 2009 c 138 s 5 are each amended to read  
34 as follows:

35 (~~There shall be a reasonable effort made to ensure that~~)  
36 Victims, survivors of victims, and witnesses of crimes have the  
37 following rights, which apply to any criminal court and/or juvenile  
38 court proceeding:

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

7 (2) To be informed by local law enforcement agencies or the  
8 prosecuting attorney of the final disposition of the case in which  
9 the victim, survivor, or witness is involved;

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

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

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

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

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

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

34 (9) To access to immediate medical assistance and not to be  
35 detained for an unreasonable length of time by a law enforcement  
36 agency before having such assistance administered. However, an  
37 employee of the law enforcement agency may, if necessary, accompany  
38 the person to a medical facility to question the person about the  
39 criminal incident if the questioning does not hinder the  
40 administration of medical assistance. Victims of domestic violence,

1 sexual assault, or stalking, as defined in RCW 49.76.020, shall be  
2 notified of their right to reasonable leave from employment under  
3 chapter 49.76 RCW;

4 (10) With respect to victims of violent and sex crimes, to have a  
5 crime victim advocate from a crime victim/witness program, or any  
6 other support person of the victim's choosing, present at any  
7 prosecutorial or defense interviews with the victim, and at any  
8 judicial proceedings related to criminal acts committed against the  
9 victim. This subsection applies if practical and if the presence of  
10 the crime victim advocate or support person does not cause any  
11 unnecessary delay in the investigation or prosecution of the case.  
12 The role of the crime victim advocate is to provide emotional support  
13 to the crime victim;

14 (11) With respect to victims and survivors of victims, to be  
15 physically present in court during trial, or if subpoenaed to  
16 testify, to be scheduled as early as practical in the proceedings in  
17 order to be physically present during trial after testifying and not  
18 to be excluded solely because they have testified;

19 (12) With respect to victims and survivors of victims, to be  
20 informed by the prosecuting attorney of the date, time, and place of  
21 the trial and of the sentencing hearing for felony convictions upon  
22 request by a victim or survivor;

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

28 (14) With respect to victims and survivors of victims, to present  
29 a statement personally or by representation, at the sentencing  
30 hearing for felony convictions; and

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

36 **Sec. 4.** RCW 7.69.050 and 1985 c 443 s 5 are each amended to read  
37 as follows:

38 Nothing contained in this chapter may be construed to provide  
39 grounds for error in favor of a criminal defendant in a criminal

1 proceeding, nor may anything in this chapter be construed to grant a  
2 new cause of action or remedy against the state, its political  
3 subdivisions, law enforcement agencies, or prosecuting attorneys. The  
4 failure of a person to (~~make a reasonable effort to~~) ensure that  
5 victims, survivors, and witnesses under this chapter have the rights  
6 enumerated in RCW 7.69.030 shall not result in civil liability  
7 against that person. This chapter does not limit other civil remedies  
8 or defenses of the offender or the victim or survivors of the victim.

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