

Select Victims' Rights – Washington

USING THIS RESOURCE

This resource is intended to provide a base of knowledge regarding crime victims' rights in Washington and promising practices to ensure compliance with and enforcement of those rights. To keep this *Guide* as user-friendly as possible in light of the breadth, complexity and evolving nature of law, the *Guide* does not include all laws. The *Guide* is intended for informational purposes only. It does not constitute legal advice, nor does it substitute for legal advice. For more in-depth information about the laws governing privacy, confidentiality and privilege in Washington, see the companion resource: *Law Enforcement-Based Victim Services in Washington: Privacy, Privilege and Confidentiality*.

The following icons are used throughout this resource to highlight key moments for the user.



= Promising Practices: As used in this *Guide*, the “promising practices” indicator highlights procedures, methods or techniques, grounded in victim-centered and trauma-informed research and experience, that afford victims meaningful rights in the justice system.



= Take Note: As used in this *Guide*, the “take note” indicator provides context for the law cited or discussed. For example, if a law has a particularly narrow application or does not explicitly prohibit an action the “take note” indicator is used to highlight or provide clarity around the law.

This resource was developed by the National Crime Victim Law Institute (NCVLI) under 2018-V3-GX-K049 and 2020-V3-GX-K001, awarded to the International Association of Chiefs of Police (IACP) by the Office for Victims of Crime, Office of Justice Programs, U.S. Department of Justice. The opinions, findings, and conclusions or recommendations expressed in this resource are those of the contributors and do not necessarily represent the official position of the U.S. Department of Justice.

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¹ This table of contents and index of rights provides specific page references for many of the victims' rights laws contained within this *Guide*. The referenced laws are often narrower in scope than the broader rights identified in the index and may contain components of multiple core rights. Not all of the laws contained within this *Guide* are referenced in the table of contents and index; therefore, it is recommended that this document be reviewed in full.

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<p>SELECT DEFINITIONS</p>	<p>Washington Statutes and Rules</p>
<p>Victims' Rights Definitions.</p> <p>Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.</p> <p>(1) "Crime" means an act punishable as a felony, gross misdemeanor, or misdemeanor under the laws of this state or equivalent federal or local law.</p> <p>(2) "Survivor" or "survivors" of a victim of crime means a spouse or domestic partner, child, parent, legal guardian, sibling, or grandparent. If there is more than one survivor of a victim of crime, one survivor shall be designated by the prosecutor to represent all survivors for purposes of providing the notice to survivors required by this chapter.</p> <p>(3) "Victim" means a person against whom a crime has been committed or the representative of a person against whom a crime has been committed.</p> <p>(4) "Victim impact statement" means a statement submitted to the court by the victim or a survivor, individually or with the assistance of the prosecuting attorney if assistance is requested by the victim or survivor, which may include but is not limited to information assessing the financial, medical, social, and psychological impact of the offense upon the victim or survivors.</p> <p>(5) "Witness" means a person who has been or is expected to be summoned to testify for the prosecution in a criminal action, or who by reason of having relevant information is subject to call or likely to be called as a witness for the prosecution, whether or not an action or proceeding has been commenced.</p>	<p>Wash. Rev. Code Ann. § 7.69.020.</p>

<p>(6) “Crime victim/witness program” means any crime victim and witness program of a county or local law enforcement agency or prosecutor’s office, any rape crisis center’s sexual assault victim advocacy program as provided in chapter 70.125 RCW, any domestic violence program’s legal and community advocate program for domestic violence victims as provided in chapter 70.123 RCW, or any other crime victim advocacy program which provides trained advocates to assist crime victims during the investigation and prosecution of the crime.</p> <p> These definitions apply to Washington’s victims’ rights statutes, Wash. Rev. Code Ann. §§ 7.69.010 through 7.69.050. These statutory provisions are included below in the section “Select Crime Victims’ Rights.”</p>	
<p>Child-Victims’ Rights Definitions.</p> <p>Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.</p> <p>(1) “Crime” means an act punishable as a felony, gross misdemeanor, or misdemeanor under the laws of this state or equivalent federal or local law.</p> <p>(2) “Child” means any living child under the age of eighteen years.</p> <p>(3) “Victim” means a living person against whom a crime has been committed.</p> <p>(4) “Witness” means a person who has been or is expected to be summoned to testify for the prosecution in a criminal action, or who by reason of having relevant information is subject to call or likely to be called as a witness for the prosecution, whether or not an action or proceeding has been commenced.</p> <p>(5) “Family member” means child, parent, or legal guardian.</p>	<p>Wash. Rev. Code Ann. § 7.69A.020.</p>

<p>(6) “Advocate” means any person, including a family member not accused of a crime, who provides support to a child victim or child witness during any legal proceeding.</p> <p>(7) “Court proceedings” means any court proceeding conducted during the course of the prosecution of a crime committed against a child victim, including pretrial hearings, trial, sentencing, or appellate proceedings.</p> <p>(8) “Identifying information” means the child’s name, address, location, and photograph, and in cases in which the child is a relative or stepchild of the alleged perpetrator, identification of the relationship between the child and the alleged perpetrator.</p> <p>(9) “Crime victim/witness program” means any crime victim and witness program of a county or local law enforcement agency or prosecutor’s office, any rape crisis center’s sexual assault victim advocacy program as provided in chapter 70.125 RCW, any domestic violence program’s legal and community advocate program for domestic violence victims as provided in chapter 70.123 RCW, or any other crime victim advocacy program which provides trained advocates to assist crime victims during the investigation and prosecution of the crime.</p> <p> These definitions apply to Washington’s child-victims’ rights statutes, Wash. Rev. Code Ann. §§ 7.69A.010 through 7.69A.050. These statutory provisions are included below in the section “Select Crime Victims’ Rights.”</p>	
<p>Dependent Person-Victim Rights Definitions.</p> <p>Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.</p> <p>(1) “Crime” means an act punishable as a felony, gross misdemeanor, or misdemeanor under the laws of this state or equivalent federal or local law.</p> <p>(2) “Dependent person” has the same meaning as that term is defined in RCW 9A.42.010.</p>	<p>Wash. Rev. Code Ann. § 7.69B.010.</p>

<p>(3) "Victim" means a living person against whom a crime has been committed.</p> <p>(4) "Witness" means a person who has been or is expected to be summoned to testify for the prosecution or defense in a criminal action, or who by reason of having relevant information is subject to call or likely to be called as a witness, whether or not an action or proceeding has been commenced.</p> <p>(5) "Family member" means a person who is not accused of a crime and who is an adult child, adult sibling, spouse or domestic partner, parent, or legal guardian of the dependent person.</p> <p>(6) "Advocate" means any person not accused of a crime, including a family member, approved by the witness or victim, in consultation with his or her guardian if applicable, who provides support to a dependent person during any legal proceeding.</p> <p>(7) "Court proceedings" means any court proceeding conducted during the course of the prosecution of a crime committed against a dependent person, including pretrial hearings, trial, sentencing, or appellate proceedings.</p> <p>(8) "Identifying information" means the dependent person's name, address, location, and photograph, and in cases in which the dependent person is a relative of the alleged perpetrator, identification of the relationship between the dependent person and the alleged perpetrator.</p> <p>(9) "Crime victim/witness program" means any crime victim and witness program of a county or local law enforcement agency or prosecutor's office, any rape crisis center's sexual assault victim advocacy program as provided in chapter 70.125 RCW, any domestic violence program's legal and community advocate program for domestic violence victims as provided in chapter 70.123 RCW, or any other crime victim advocacy program which provides trained advocates to assist crime victims during the investigation and prosecution of the crime.</p>	
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<p> These definitions apply to Washington’s dependent person-victims’ rights statutes, Wash. Rev. Code Ann. §§ 7.69B.005 through 7.69B.040. These statutory provisions are included below in the section “Select Crime Victims’ Rights.”</p>	
<p>Sexual Assault Advocate-Victim Privilege Definition.</p> <p>For purposes of this section, “sexual assault advocate” means the employee or volunteer from a community sexual assault program or underserved populations provider, victim assistance unit, program, or association, that provides information, medical or legal advocacy, counseling, or support to victims of sexual assault, who is designated by the victim to accompany the victim to the hospital or other health care facility and to proceedings concerning the alleged assault, including police and prosecution interviews and court proceedings.</p> <p> This definition applies to Wash. Rev. Code Ann. §5.60.060(7)(a). This statutory provision is included below in the section “Select Crime Victims’ Rights.”</p>	<p>Wash. Rev. Code Ann. § 5.60.060(7)(a).</p>
<p>Domestic Violence Advocate-Victim Privilege Definition.</p> <p>For purposes of this section, “domestic violence advocate” means an employee or supervised volunteer from a community-based domestic violence program or human services program that provides information, advocacy, counseling, crisis intervention, emergency shelter, or support to victims of domestic violence and who is not employed by, or under the direct supervision of, a law enforcement agency, a prosecutor’s office, or the child protective services section of the department of children, youth, and families as defined in RCW 26.44.020.</p> <p> This definition applies to Wash. Rev. Code Ann. §5.60.060(8)(a). This statutory</p>	<p>Wash. Rev. Code Ann. § 5.60.060(8)(a).</p>

<p>provision is included below in the section "Select Crime Victims' Rights."</p>	
<p>Safety and Access for Immigrant Victims Act Definitions.</p> <p>The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.</p> <p>(1) "Certification" means any law enforcement certification or statement required by federal immigration law including, but not limited to, the information required by 8 U.S.C. Sec. 1184 (o) and (p), or any successor statutes regarding T or U nonimmigrant visas or their successor programs, including current United States citizenship and immigration services form I-914 supplement B or form I-918 supplement B, respectively, and any successor forms.</p> <p>(2) "Certifying agency" means a state or local law enforcement agency, prosecutor, administrative judge, hearing office, or other authority that has responsibility for the investigation or prosecution of criminal activity. A certifying agency includes an agency that has investigative jurisdiction in its respective area of expertise including, but not limited to, the Washington state patrol, the Washington department of labor and industries, and the Washington department of social and health services.</p> <p>(3) "Criminal activity" includes any activity that constitutes a crime as defined in RCW 7.69.020, for which the nature and elements of the offenses are substantially similar to the offenses described in 8 U.S.C. Sec. 1101(a)(15)(U), and the attempt, conspiracy, or solicitation to commit any of those offenses.</p> <p>(4) "Law enforcement agency" means any agency in Washington that qualifies as a criminal justice agency under RCW 10.97.030(5) and is charged with the enforcement of state, county, municipal, or federal laws, or with managing custody of detained persons in the state, and includes municipal police departments, sheriff's departments, campus police</p>	<p>Wash. Rev. Code Ann. § 7.98.005.</p>

departments, the Washington state patrol, and the juvenile justice rehabilitative administration.

(5) “Law enforcement official” means any officer or other agent of a state or local law enforcement agency authorized to enforce criminal statutes, regulations, or local ordinances.


(6) “Victim of criminal activity” means any individual who has: (a) Reported criminal activity to a law enforcement agency or certifying agency, or otherwise participated in the detection, investigation, or prosecution of criminal activity; and (b) suffered direct or proximate harm as a result of the commission of any criminal activity and may include, but is not limited to, an indirect victim, regardless of the direct victim’s immigration or citizenship status, including the spouse, children under twenty-one years of age and, if the direct victim is under twenty-one years of age, parents, and unmarried siblings under eighteen years of age where the direct victim is deceased, incompetent, or incapacitated. Bystander victims must also be considered. More than one victim may be identified and provided with certification depending upon the circumstances. For purposes of this subsection, “incapacitated” means unable to interact with law enforcement agency or certifying agency personnel as a result of a cognitive impairment or other physical limitation, or because of physical restraint or disability or age, such as minors. This definition applies to this chapter only.

(7) “Victim of trafficking” means any individual who is or has been a victim of human trafficking, which includes, but is not limited to, the following acts: (a) Sex trafficking in which a commercial sex act was induced by force, fraud, or coercion; (b) sex trafficking and the victim was under the age of eighteen years; (c) recruiting, harboring, transportation of, providing, or obtaining a person for labor or services through the use of force, fraud, or coercion for subjection to involuntary servitude, peonage, debt bondage, or slavery; or (d) another act or circumstance involving human trafficking.



These definitions apply to Washington’s Safety and Access for Immigrant Victims Act, Wash. Rev. Code Ann. §§ 7.98.005 through 7.98.900. Some of these statutory provisions are included below in the section “Select Crime Victims’ Rights.”

<p>Identity Crimes Definitions.</p> <p>The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.</p> <p>(1) “Financial information” means any of the following information identifiable to the individual that concerns the amount and conditions of an individual’s assets, liabilities, or credit:</p> <ul style="list-style-type: none"> (a) Account numbers and balances; (b) Transactional information concerning an account; and (c) Codes, passwords, social security numbers, tax identification numbers, driver’s license or permit numbers, state identicaid numbers issued by the department of licensing, and other information held for the purpose of account access or transaction initiation. <p>(2) “Financial information repository” means a person engaged in the business of providing services to customers who have a credit, deposit, trust, stock, or other financial account or relationship with the person.</p> <p>(3) “Means of identification” means information or an item that is not describing finances or credit but is personal to or identifiable with an individual or other person, including: A current or former name of the person, telephone number, an electronic address, or identifier of the individual or a member of his or her family, including the ancestor of the person; information relating to a change in name, address, telephone number, or electronic address or identifier of the individual or his or her family; a social security, driver’s license, or tax identification number of the individual or a member of his or her family; and other information that could be used to identify the person, including unique biometric data.</p> <p>(4) “Person” means a person as defined in RCW 9A.04.110.</p> <p>(5) “Senior” means a person over the age of sixty-five.</p>	<p>Wash. Rev. Code Ann. § 9.35.005.</p>
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<p>(6) “Victim” means a person whose means of identification or financial information has been used or transferred with the intent to commit, or to aid or abet, any unlawful activity.</p> <p>(7) “Vulnerable individual” means a person:</p> <ul style="list-style-type: none"> (i) [(a)] Sixty years of age or older who has the functional, mental, or physical inability to care for himself or herself; (ii) [(b)] Found incapacitated under *chapter 11.88 RCW; (iii) [(c)] Who has a developmental disability as defined under RCW 71A.10.020; (iv) [(d)] Admitted to any facility; (v) [(e)] Receiving services from home health, hospice, or home care agencies licensed or required to be licensed under chapter 70.127 RCW; (vi) [(f)] Receiving services from an individual provider as defined in RCW 74.39A.240; or (vii) [(g)] Who self-directs his or her own care and receives services from a personal aide under chapter 74.39 RCW. <p> These definitions apply to Washington’s identity crimes statutes, Wash. Rev. Code Ann. §§ 9.35.005 through 9.35.900. Some of these statutory provisions are included below in the section “Select Crime Victims’ Rights.”</p>	
<p>Sexual Exploitation of Children Definitions.</p> <p>Unless the context clearly indicates otherwise, the definitions in this section apply throughout this chapter.</p> <p>(1) An “internet session” means a period of time during which an internet user, using a specific internet protocol address, visits or is logged into an internet site for an uninterrupted period of time.</p> <p>(2) To “photograph” means to make a print, negative, slide, digital image, motion picture, or videotape. A “photograph” means anything tangible or intangible produced by photographing.</p>	<p>Wash. Rev. Code Ann. § 9.68A.011.</p>

(3) “Visual or printed matter” means any photograph or other material that contains a reproduction of a photograph.

(4) “Sexually explicit conduct” means actual or simulated:

(a) Sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex or between humans and animals;

(b) Penetration of the vagina or rectum by any object;

(c) Masturbation;

(d) Sadomasochistic abuse;

(e) Defecation or urination for the purpose of sexual stimulation of the viewer;

(f) Depiction of the genitals or unclothed pubic or rectal areas of any minor, or the unclothed breast of a female minor, for the purpose of sexual stimulation of the viewer. For the purposes of this subsection (4)(f), it is not necessary that the minor know that he or she is participating in the described conduct, or any aspect of it; and


(g) Touching of a person’s clothed or unclothed genitals, pubic area, buttocks, or breast area for the purpose of sexual stimulation of the viewer.


(5) “Minor” means any person under eighteen years of age.

(6) “Live performance” means any play, show, skit, dance, or other exhibition performed or presented to or before an audience of one or more, with or without consideration.



These definitions apply to Washington’s sexual exploitation of children statutes, Wash. Rev. Code Ann. §§ 9.68A through 9.68A.912. Some of these statutory provisions are included below in the section “Select Crime Victims’ Rights.”

<p>Certain Victim-Witnesses' Right to Presence of Courthouse Facility Dog in Judicial Proceedings Definitions.</p> <p>For purposes of this section:</p> <p>(a) "Certified handler" means a person who (i) was trained to handle the courthouse facility dog by the assistance dog organization that placed the dog and (ii) is a professional working in the legal system who is knowledgeable about its practices.</p> <p>(b) "Courthouse facility dog" means a dog that: (i) Has graduated from a program of an assistance dog organization that is accredited by a recognized organization whose main purpose is to grant accreditation to assistance dog organizations based on standards of excellence in all areas of assistance dog acquisition, training of the dogs and their handlers, and placement; and (ii) was specially selected to provide services in the legal system to provide quiet companionship to witnesses during stressful legal proceedings thereby enabling them to better engage with the process.</p> <p> These definitions apply to Wash. Rev. Code Ann. § 10.52.110. This statutory provision is included below in the section "Select Crime Victims' Rights."</p>	<p>Wash. Rev. Code Ann. § 10.52.110(9).</p>
<p>Victims' Right to Notice of the Release, Escape and Certain Other Changes in Status of a Sexual or Violent Offender Definitions.</p> <p>For purposes of this section the following terms have the following meanings:</p> <p>(a) "Violent offense" means a violent offense under RCW 9.94A.030;</p> <p>(b) "Sex offense" means a sex offense under RCW 9.94A.030;</p>	<p>Wash. Rev. Code Ann. § 10.77.205(5).</p>

<p>(c) “Next of kin” means a person’s spouse, state registered domestic partner, parents, siblings, and children;</p> <p>(d) “Authorized furlough” means a furlough granted after compliance with RCW 10.77.163;</p> <p>(e) “Felony harassment offense” means a crime of harassment as defined in RCW 9A.46.060 that is a felony.</p> <p> These definitions apply to Wash. Rev. Code Ann. § 10.77.205. This statutory provision is included below in the section “Select Crime Victims’ Rights.”</p>	
<p>Washington State Criminal Records Privacy Act Definitions.</p> <p>For purposes of this chapter, the definitions of terms in this section shall apply.</p> <p>(1) “The administration of criminal justice” means performance of any of the following activities: Detection, apprehension, detention, pretrial release, post-trial release, prosecution, adjudication, correctional supervision, or rehabilitation of accused persons or criminal offenders. The term also includes criminal identification activities and the collection, storage, dissemination of criminal history record information, and the compensation of victims of crime.</p> <p>(2) “Conviction or other disposition adverse to the subject” means any disposition of charges other than: (a) A decision not to prosecute; (b) a dismissal; or (c) acquittal; with the following exceptions, which shall be considered dispositions adverse to the subject: An acquittal due to a finding of not guilty by reason of insanity and a dismissal by reason of incompetency, pursuant to chapter 10.77 RCW; and a dismissal entered after a period of probation, suspension, or deferral of sentence.</p> <p>(3) “Conviction record” means criminal history record information relating to an incident which has led to a conviction or other disposition adverse to the subject.</p>	<p>Wash. Rev. Code Ann. § 10.97.030.</p>

<p>(4) “Criminal history record information” means information contained in records collected by criminal justice agencies, other than courts, on individuals, consisting of identifiable descriptions and notations of arrests, detentions, indictments, informations, or other formal criminal charges, and any disposition arising therefrom, including acquittals by reason of insanity, dismissals based on lack of competency, sentences, correctional supervision, and release.</p> <p>The term includes any issued certificates of restoration of opportunities and any information contained in records maintained by or obtained from criminal justice agencies, other than courts, which records provide individual identification of a person together with any portion of the individual’s record of involvement in the criminal justice system as an alleged or convicted offender, except:</p> <ul style="list-style-type: none"> (a) Posters, announcements, or lists for identifying or apprehending fugitives or wanted persons; (b) Original records of entry maintained by criminal justice agencies to the extent that such records are compiled and maintained chronologically and are accessible only on a chronological basis; (c) Court indices and records of public judicial proceedings, court decisions, and opinions, and information disclosed during public judicial proceedings; (d) Records of traffic violations which are not punishable by a maximum term of imprisonment of more than ninety days; (e) Records of any traffic offenses as maintained by the department of licensing for the purpose of regulating the issuance, suspension, revocation, or renewal of drivers’ or other operators’ licenses and pursuant to RCW 46.52.130; (f) Records of any aviation violations or offenses as maintained by the department of transportation for the purpose of regulating pilots or other aviation operators, and pursuant to RCW 47.68.330; (g) Announcements of executive clemency; (h) Intelligence, analytical, or investigative reports and files. <p>(5) “Criminal justice agency” means: (a) A court; or (b) a government agency which performs the administration of criminal justice pursuant to a statute or executive order and</p>	
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which allocates a substantial part of its annual budget to the administration of criminal justice.

(6) "Disposition" means the formal conclusion of a criminal proceeding at whatever stage it occurs in the criminal justice system.

(7) "Dissemination" means disclosing criminal history record information or disclosing the absence of criminal history record information to any person or agency outside the agency possessing the information, subject to the following exceptions:

(a) When criminal justice agencies jointly participate in the maintenance of a single recordkeeping department as an alternative to maintaining separate records, the furnishing of information by that department to personnel of any participating agency is not a dissemination;

(b) The furnishing of information by any criminal justice agency to another for the purpose of processing a matter through the criminal justice system, such as a police department providing information to a prosecutor for use in preparing a charge, is not a dissemination;

(c) The reporting of an event to a recordkeeping agency for the purpose of maintaining the record is not a dissemination.

(8) "Nonconviction data" consists of all criminal history record information relating to an incident which has not led to a conviction or other disposition adverse to the subject, and for which proceedings are no longer actively pending. There shall be a rebuttable presumption that proceedings are no longer actively pending if more than one year has elapsed since arrest, citation, charge, or service of warrant and no disposition has been entered.



These definitions apply to Washington's State Criminal Records Privacy Act, Wash. Rev. Code Ann. §§ 10.97.010 through 10.97.140. Some of these statutory provisions are included below in the section "Select Crime Victims' Rights."

<p>Domestic Violence Official Response Definitions.</p> <p>Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.</p> <p>(1) “Agency” means a general authority Washington law enforcement agency as defined in RCW 10.93.020.</p> <p>(2) “Association” means the Washington association of sheriffs and police chiefs.</p> <p>(3) “Dating relationship” has the same meaning as in RCW 26.50.010.</p> <p>(4) “Domestic violence” includes but is not limited to any of the following crimes when committed either by (a) one family or household member against another family or household member, or (b) one intimate partner against another intimate partner:</p> <ul style="list-style-type: none"> (i) Assault in the first degree (RCW 9A.36.011); (ii) Assault in the second degree (RCW 9A.36.021); (iii) Assault in the third degree (RCW 9A.36.031); (iv) Assault in the fourth degree (RCW 9A.36.041); (v) Drive-by shooting (RCW 9A.36.045); (vi) Reckless endangerment (RCW 9A.36.050); (vii) Coercion (RCW 9A.36.070); (viii) Burglary in the first degree (RCW 9A.52.020); (ix) Burglary in the second degree (RCW 9A.52.030); (x) Criminal trespass in the first degree (RCW 9A.52.070); (xi) Criminal trespass in the second degree (RCW 9A.52.080); (xii) Malicious mischief in the first degree (RCW 9A.48.070); (xiii) Malicious mischief in the second degree (RCW 9A.48.080); (xiv) Malicious mischief in the third degree (RCW 9A.48.090); (xv) Kidnapping in the first degree (RCW 9A.40.020); (xvi) Kidnapping in the second degree (RCW 9A.40.030); 	<p>Wash. Rev. Code Ann. § 10.99.020.</p>
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(xvii) Unlawful imprisonment (RCW 9A.40.040);
 (xviii) Violation of the provisions of a restraining order, no-contact order, or protection order restraining or enjoining the person or restraining the person from going onto the grounds of or entering a residence, workplace, school, or day care, or prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a location (RCW 10.99.040, 10.99.050, 26.09.300, *26.10.220, 26.26B.050, 26.44.063, 26.44.150, 26.50.060, 26.50.070, 26.50.130, 26.52.070, or 74.34.145);
 (xix) Rape in the first degree (RCW 9A.44.040);
 (xx) Rape in the second degree (RCW 9A.44.050);
 (xxi) Residential burglary (RCW 9A.52.025);
 (xxii) Stalking (RCW 9A.46.110); and
 (xxiii) Interference with the reporting of domestic violence (RCW 9A.36.150).

(5) “Electronic monitoring” means the same as in RCW 9.94A.030.


(6) “Employee” means any person currently employed with an agency.


(7) “Family or household members” means the same as in RCW 26.50.010.


(8) “Intimate partners” means the same as in RCW 26.50.010.

(9) “Sworn employee” means a general authority Washington peace officer as defined in RCW 10.93.020, any person appointed under RCW 35.21.333, and any person appointed or elected to carry out the duties of the sheriff under chapter 36.28 RCW.

(10) “Victim” means a family or household member or an intimate partner who has been subjected to domestic violence.

 These definitions apply to Washington’s statutes regarding official response to domestic violence, Wash. Rev. Code Ann. §§ 10.99.010 through 10.99.901. Some of these statutory provisions are included below in the section “Select Crime Victims’ Rights.”

<p>Address Confidentiality Program Definitions.</p> <p>Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.</p> <p>(1) “Address” means a residential street address, school address, or work address of an individual, as specified on the individual’s application to be a program participant under this chapter.</p> <p>(2) “Domestic violence” means an act as defined in RCW 10.99.020 and includes a threat of such acts committed against an individual in a domestic situation, regardless of whether these acts or threats have been reported to law enforcement officers.</p> <p>(3) “Program participant” means a person certified as a program participant under RCW 40.24.030.</p> <p>(4) “Stalking” means an act defined in RCW 9A.46.110 and includes a threat of such acts committed against an individual, regardless of whether these acts or threats have been reported to law enforcement officers.</p> <p>(5) “Trafficking” means an act as defined in RCW 9A.40.100 or an act recognized as a severe form of trafficking under 22 U.S.C. Sec. 7102(8) as it existed on June 12, 2008, or such subsequent date as may be provided by the secretary of state by rule, consistent with the purposes of this subsection, regardless of whether the act has been reported to law enforcement.</p> <p> These definitions apply to Washington’s address confidentiality program, Wash. Rev. Code Ann. §§ 40.24.010 through 40.24.110. Some of these statutory provisions are included below in the section “Select Crime Victims’ Rights.”</p>	<p>Wash. Rev. Code Ann. § 40.24.010.</p>
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<p>Domestic Violence, Sexual Assault and Stalking Leave Definitions.</p> <p>The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.</p> <p>(1) “Child,” “spouse,” “parent,” “parent-in-law,” “grandparent,” and “sick leave and other paid time off” have the same meanings as in RCW 49.12.265.</p> <p>(2) “Dating relationship” has the same meaning as in RCW 26.50.010.</p> <p>(3) “Department,” “director,” “employer,” and “employee” have the same meanings as in RCW 49.12.005.</p> <p>(4) “Domestic violence” has the same meaning as in RCW 26.50.010.</p> <p>(5) “Family member” means any individual whose relationship to the employee can be classified as a child, spouse, parent, parent-in-law, grandparent, or person with whom the employee has a dating relationship.</p> <p>(6) “Intermittent leave” is leave taken in separate blocks of time due to a single qualifying reason.</p> <p>(7) “Reduced leave schedule” means a leave schedule that reduces the usual number of hours per workweek, or hours per workday, of an employee.</p> <p>(8) “Sexual assault” has the same meaning as in RCW 70.125.030.</p> <p>(9) “Stalking” has the same meaning as in RCW 9A.46.110.</p> <p> These definitions apply to Washington’s domestic violence, sexual assault and stalking victims leave statute, Wash. Rev. Code Ann. §§ 49.76.010 through 49.76.150. Some of</p>	<p>Wash. Rev. Code Ann. § 49.76.020.</p>
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<p>these statutory provisions are included below in the section "Select Crime Victims' Rights."</p>	
<p>Shelters for Victims of Domestic Violence Definitions.</p> <p>The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.</p> <p>(1) "Community advocate" means a person employed or supervised by a community-based domestic violence program who is trained to provide ongoing assistance and advocacy for victims of domestic violence in assessing and planning for safety needs, making appropriate social service, legal, and housing referrals, providing community education, maintaining contacts necessary for prevention efforts, and developing protocols for local systems coordination.</p> <p>(2) "Community-based domestic violence program" means a nonprofit program or organization that provides, as its primary purpose, assistance and advocacy for domestic violence victims. Domestic violence assistance and advocacy includes crisis intervention, individual and group support, information and referrals, and safety assessment and planning. Domestic violence assistance and advocacy may also include, but is not limited to: Provision of shelter, emergency transportation, self-help services, culturally specific services, legal advocacy, economic advocacy, community education, primary and secondary prevention efforts, and accompaniment and advocacy through medical, legal, immigration, human services, and financial assistance systems. Domestic violence programs that are under the auspices of, or the direct supervision of, a court, law enforcement or prosecution agency, or the child protective services section of the department as defined in RCW 26.44.020, are not considered community-based domestic violence programs.</p> <p>(3) "Department" means the department of social and health services.</p> <p>(4) "Domestic violence" means the infliction or threat of physical harm against an intimate partner, and includes physical, sexual, and psychological abuse against the partner, and is a</p>	<p>Wash. Rev. Code Ann. § 70.123.020.</p>

part of a pattern of assaultive, coercive, and controlling behaviors directed at achieving compliance from or control over that intimate partner. It may include, but is not limited to, a categorization of offenses, as defined in RCW 10.99.020, committed by one intimate partner against another.


(5) “Domestic violence coalition” means a statewide nonprofit domestic violence organization that has a membership that includes the majority of the primary purpose, community-based domestic violence programs in the state, has board membership that is representative of community-based, primary purpose domestic violence programs, and has as its purpose to provide education, support, and technical assistance to such community-based, primary purpose domestic violence programs and to assist the programs in providing shelter, advocacy, supportive services, and prevention efforts for victims of domestic violence and dating violence and their dependents.


(6) “Domestic violence program” means an agency, organization, or program with a primary purpose and a history of effective work in providing advocacy, safety assessment and planning, and self-help services for domestic violence in a supportive environment, and includes, but is not limited to, a community-based domestic violence program, emergency shelter, or domestic violence transitional housing program.


(7) “Emergency shelter” means a place of supportive services and safe, temporary lodging offered on a twenty-four hour, seven-day per week basis to victims of domestic violence and their children.


(8) “Intimate partner” means a person who is or was married, in a state registered domestic partnership, or in an intimate or dating relationship with another person at the present or at sometime in the past. Any person who has one or more children in common with another person, regardless of whether they have been married, in a domestic partnership with each other, or lived together at any time, shall be treated as an intimate partner.



(9) “Legal advocate” means a person employed by a domestic violence program or court system to advocate for victims of domestic violence, within the criminal and civil justice





<p>systems, by attending court proceedings, assisting in document and case preparation, and ensuring linkage with the community advocate.</p> <p>(10) “Secretary” means the secretary of the department of social and health services or the secretary’s designee.</p> <p>(11) “Shelter” means temporary lodging and supportive services, offered by community-based domestic violence programs to victims of domestic violence and their children.</p> <p>(12) “Victim” means an intimate partner who has been subjected to domestic violence.</p> <p> These definitions apply to Washington’s statutes regarding domestic violence shelters, Wash. Rev. Code Ann. §§ 70.123.010 through 70.123.150. Some of these statutory provisions are included below in the section “Select Crime Victims’ Rights.”</p>	
<p>Victims of Sexual Assault Act Definitions.</p> <p>The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.</p> <p>(1) “Community sexual assault program” means a community-based social service agency that is qualified to provide and provides core services to victims of sexual assault.</p> <p>(2) “Core services” means those services that are victim-centered community-based advocacy responses to alleviate the impact of sexual assault, as delineated in the Washington state sexual assault services plan of 1995 and its subsequent revisions.</p> <p>(3) “Department” means the department of commerce.</p> <p>(4) “Law enforcement agencies” means police and sheriff’s departments and tribal law enforcement departments or agencies of this state.</p>	<p>Wash. Rev. Code Ann. § 70.125.030.</p>




<p>(5) “Personal representative” means a friend, relative, attorney, or employee or volunteer from a community sexual assault program or specialized treatment service provider.</p> <p>(6) “Services for underserved populations” means culturally relevant victim-centered community-based advocacy responses to alleviate the impact of sexual assault, as delineated in the Washington state sexual assault services plan of 1995 and its subsequent revisions.</p> <p>(7) “Sexual assault” means one or more of the following:</p> <ul style="list-style-type: none"> (a) Rape or rape of a child; (b) Assault with intent to commit rape or rape of a child; (c) Incest or indecent liberties; (d) Child molestation; (e) Sexual misconduct with a minor; (f) Custodial sexual misconduct; (g) Crimes with a sexual motivation; (h) Sexual exploitation or commercial sex abuse of a minor; (i) Promoting prostitution; or (j) An attempt to commit any of the aforementioned offenses. <p>(8) “Specialized services” means those services intended to alleviate the impact of sexual assault, as delineated in the Washington state sexual assault services plan of 1995 and its subsequent revisions.</p> <p>(9) “Victim” means any person who suffers physical, emotional, financial, and psychological impact as a proximate result of a sexual assault.</p> <p> These definitions apply to the Victims of Sexual Assault Act, Wash. Rev. Code Ann. §§ 70.125.010 through 70.125.110. Some of these statutory provisions are included below in the section “Select Crime Victims’ Rights.”</p>	
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<p>Victims of Sexual Assault Act: Rights of Sexual Assault Victims Definitions.</p> <p>For the purposes of [Wash. Rev. Code Ann. § 70.125.110]:</p> <p>(a) “Law enforcement officer” means a general authority Washington peace officer, as defined in RCW 10.93.020, or any person employed by a private police agency at a public school as described in RCW 28A.150.010 or an institution of higher education, as defined in RCW 28B.10.016.</p> <p>(b) “Sexual assault survivor” means any person who is a victim, as defined in RCW 7.69.020, of sexual assault. However, if a victim is incapacitated, deceased, or a minor, sexual assault survivor also includes any lawful representative of the victim, including a parent, guardian, spouse, or other designated representative, unless the person is an alleged perpetrator or suspect.</p> <p>(c) “Sexual assault survivor’s advocate” means any person who is defined in RCW 5.60.060 as a sexual assault advocate, or a crime victim advocate.</p> <p> These definitions apply to Wash. Rev. Code Ann. § 70.125.110. This statutory provision is included below in the section “Select Crime Victims’ Rights.”</p>	<p>Wash. Rev. Code Ann. § 70.125.110(5).</p>
<p>Victims’ Right, Upon Request, to Notice of Conditional Release, Final Release, Leave, Transfer or Escape of Offenders Committed Following the Dismissal of Sex, Violent or Felony Harassment Offenses Definitions.</p> <p>For purposes of this section the following terms have the following meanings:</p> <p>(a) “Violent offense” means a violent offense under RCW 9.94A.030;</p> <p>(b) “Sex offense” means a sex offense under RCW 9.94A.030;</p>	<p>Wash. Rev. Code Ann. § 71.05.425(5).</p>





<p>(c) "Next of kin" means a person's spouse, state registered domestic partner, parents, siblings, and children;</p> <p>(d) "Felony harassment offense" means a crime of harassment as defined in RCW 9A.46.060 that is a felony.</p> <p> These definitions apply to Wash. Rev. Code Ann. § 71.05.425. This statutory provision is included below in the section "Select Crime Victims' Rights."</p>	
<p>SELECT CRIME VICTIMS' RIGHTS</p>	<p>Washington Constitutional Provisions, Statutes and Rules</p>
<p>Felony Victims' Rights to Be Notified of, Present and Heard at Court Proceedings.</p> <p>Effective law enforcement depends on cooperation from victims of crime. To ensure victims a meaningful role in the criminal justice system and to accord them due dignity and respect, victims of crime are hereby granted the following basic and fundamental rights.</p> <p>Upon notifying the prosecuting attorney, a victim of a crime charged as a felony shall have the right to be informed of and, subject to the discretion of the individual presiding over the trial or court proceedings, attend trial and all other court proceedings the defendant has the right to attend, and to make a statement at sentencing and at any proceeding where the defendant's release is considered, subject to the same rules of procedure which govern the defendant's rights. In the event the victim is deceased, incompetent, a minor, or otherwise unavailable, the prosecuting attorney may identify a representative to appear to exercise the victim's rights. This provision shall not constitute a basis for error in favor of a defendant in a criminal proceeding nor a basis for providing a victim or the victim's representative with court appointed counsel.</p>	<p>Wash. Const. art. I, § 35.</p>




<p> Washington's victims' rights laws extend similar statutory rights to victims. <i>See, e.g.</i>, Wash. Rev. Code Ann. § 7.69.030(11) (right to be physically present at trial; right to be scheduled as early as practical if subpoenaed); <i>id.</i> at § 7.69.030(12) (right to be informed of date, time and place of the trial and of the sentencing hearing for felony convictions upon request); <i>id.</i> at § 7.69.030(13) (right to submit a victim impact statement or report to the court); <i>id.</i> § 7.69.030(14) (right to present a statement at sentencing for felony convictions).</p> <p> A victim's constitutional and statutory right to be present should provide for the victim's presence during the entirety of the trial. Even if the victim is to be a witness and the court concludes that the victim's testimony would be materially altered or affected if the victim hears other testimony, consider discussing with the prosecutor the possibility of the victim testifying first to best ensure the victim's right to be present during the entirety of the trial.</p>	
<p>Victims' Rights: Legislative Intent.</p> <p>In recognition of the severe and detrimental impact of crime on victims, survivors of victims, and witnesses of crime and the civic and moral duty of victims, survivors of victims, and witnesses of crimes to fully and voluntarily cooperate with law enforcement and prosecutorial agencies, and in further recognition of the continuing importance of such citizen cooperation to state and local law enforcement efforts and the general effectiveness and well-being of the criminal justice system of this state, the legislature declares its intent, in this chapter, to grant to the victims of crime and the survivors of such victims a significant role in the criminal justice system. The legislature further intends to ensure that all victims and witnesses of crime are treated with dignity, respect, courtesy, and sensitivity; and that the rights extended in this chapter to victims, survivors of victims, and witnesses of crime are honored and protected by law enforcement agencies, prosecutors, and judges in a manner no less vigorous than the protections afforded criminal defendants.</p>	<p>Wash. Rev. Code Ann. § 7.69.010.</p>






<p> Wash. Rev. Code Ann. § 7.69.020 defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p>	
<p>Victims’ Rights: Effort to Ensure Rights.</p> <p>There shall be a reasonable effort made to ensure that victims, survivors of victims, and witnesses of crimes have the following rights, which apply to any criminal court and/or juvenile court proceeding: [listing rights].</p> <p> A promising practice is to have a policy and procedure in place regarding what constitutes “a reasonable effort” to provide victims with their statutory rights.</p>	<p>Wash. Rev. Code Ann. § 7.69.030.</p>
<p>Violent or Sex Crime Victims’ Right to Written Statement of Rights.</p> <p>[Victims of violent or sex crimes have the right] to receive, at the time of reporting the crime to law enforcement officials, a written statement of the rights of crime victims as provided in this chapter. The written statement shall include the name, address, and telephone number of a county or local crime victim/witness program, if such a crime victim/witness program exists in the county[.]</p> <p> Wash. Rev. Code Ann. § 7.69.020 defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p> <p> A promising practice is to have a policy and procedure ensuring that victims receive all required information at the earliest possible time after initial contact with law enforcement. Consideration should be given to providing written notice in the primary language of the victim, as well as in a form accessible to those with vision impairment.</p>	<p>Wash. Rev. Code Ann. § 7.69.030(1).</p>





<p>Victims' Right to be Informed of the Final Disposition of the Case.</p> <p>[Victims have the right] [t]o be informed by local law enforcement agencies or the prosecuting attorney of the final disposition of the case in which the victim, survivor, or witness is involved[.]</p> <p> Wash. Rev. Code Ann. § 7.69.020 defines the terms used in this statutory provision. These definitions are included above in the section "Select Definitions."</p>	<p>Wash. Rev. Code Ann. § 7.69.030(2).</p>
<p>Victims' Right to Notice, if Subpoenaed to Appear in Court, of Changes in Court Schedule.</p> <p>[Victims have the right] [t]o be notified by the party who issued the subpoena that a court proceeding to which they have been subpoenaed will not occur as scheduled, in order to save the person an unnecessary trip to court[.]</p> <p> Wash. Rev. Code Ann. § 7.69.020 defines the terms used in this statutory provision. These definitions are included above in the section "Select Definitions."</p>	<p>Wash. Rev. Code Ann. § 7.69.030(3).</p>
<p>Victims' Right to Protection.</p> <p>[Victims have the right] [t]o receive protection from harm and threats of harm arising out of cooperation with law enforcement and prosecution efforts, and to be provided with information as to the level of protection available[.]</p> <p> Wash. Rev. Code Ann. § 7.69.020 defines the terms used in this statutory provision. These definitions are included above in the section "Select Definitions."</p>	<p>Wash. Rev. Code Ann. § 7.69.030(4).</p>





<p>Victims' Right to Information Regarding Application to Receive Witness Fees.</p> <p>[Victims have the right] [t]o be informed of the procedure to be followed to apply for and receive any witness fees to which they are entitled[.]</p> <p> Wash. Rev. Code Ann. § 7.69.020 defines the terms used in this statutory provision. These definitions are included above in the section "Select Definitions."</p>	<p>Wash. Rev. Code Ann. § 7.69.030(5).</p>
<p>Victims' Right to a Secure Waiting Area.</p> <p>There shall be a reasonable effort made to ensure that victims, survivors of victims, and witnesses of crimes have the following rights, which apply to any criminal court and/or juvenile court proceeding: . . . To be provided, whenever practical, a secure waiting area during court proceedings that does not require them to be in close proximity to defendants and families or friends of defendants[.]</p> <p> Wash. Rev. Code Ann. § 7.69.020 defines the terms used in this statutory provision. These definitions are included above in the section "Select Definitions."</p> <p> Although this provision is directed at court proceedings, the same concept can and should be applied to law enforcement interactions with victims, victims' families, and victims' witnesses.</p>	<p>Wash. Rev. Code Ann. § 7.69.030(6).</p>
<p>Victims' Right to the Prompt Return of Property.</p>	<p>Wash. Rev. Code Ann. § 7.69.030(7).</p>





<p>[Victims have the right] [t]o have any stolen or other personal property expeditiously returned by law enforcement agencies or the superior court when no longer needed as evidence. When feasible, all such property, except weapons, currency, contraband, property subject to evidentiary analysis, and property of which ownership is disputed, shall be photographed and returned to the owner within ten days of being taken[.]</p> <p> Wash. Rev. Code Ann. § 7.69.020 defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p> <p> It is a promising practice to have a policy and procedure in place to ensure that victims’ property is returned to them as soon as possible, once it is no longer needed for evidentiary purposes. Instructions should be ready and available to provide to victims, explaining how they may promptly obtain their property, in addition to the name of a person they may contact to check the status of the return.</p>	
<p>Victims’ Right to Employer Intercession Services.</p> <p>[Victims have the right] [t]o be provided with appropriate employer intercession services to ensure that employers of victims, survivors of victims, and witnesses of crime will cooperate with the criminal justice process in order to minimize an employee’s loss of pay and other benefits resulting from court appearance[.]</p> <p> Wash. Rev. Code Ann. § 7.69.020 defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p> <p> A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, of their employment-related rights and to provide employers with this information.</p>	<p>Wash. Rev. Code Ann. § 7.69.030(8).</p>



<p>Victims' Right to Immediate Medical Assistance; Certain Victims' Rights to Notice About Right to Reasonable Leave from Employment.</p> <p>[Victims have the right] [t]o access to immediate medical assistance and not to be detained for an unreasonable length of time by a law enforcement agency before having such assistance administered. However, an employee of the law enforcement agency may, if necessary, accompany the person to a medical facility to question the person about the criminal incident if the questioning does not hinder the administration of medical assistance. Victims of domestic violence, sexual assault, or stalking, as defined in RCW 49.76.020, shall be notified of their right to reasonable leave from employment under chapter 49.76 RCW[.]</p> <p> For more information about the rights and protections available to victims of domestic violence, sexual assault and stalking victims with respect to leave from work, <i>see</i> Wash. Rev. Code Ann. §§ 49.76.010 through 49.76.150. Some of these statutory provisions are included below.</p> <p> Wash. Rev. Code Ann. § 7.69.020 defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p> <p> A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, of their employment-related rights and to provide employers with this information.</p>	<p>Wash. Rev. Code Ann. § 7.69.030(9).</p>
<p>Violent and Sex Crimes Victims' Right to Have Victim Advocate or Other Support Person Present at Interviews and Court Proceedings.</p> <p>[Victims of violent and sex crimes have the right] to have a crime victim advocate from a crime victim/witness program, or any other support person of the victim's choosing, present</p>	<p>Wash. Rev. Code Ann. § 7.69.030(10).</p>



<p>at any prosecutorial or defense interviews with the victim, and at any judicial proceedings related to criminal acts committed against the victim. This subsection applies if practical and if the presence of the crime victim advocate or support person does not cause any unnecessary delay in the investigation or prosecution of the case. The role of the crime victim advocate is to provide emotional support to the crime victim[.]</p> <p> The victim advocate referenced in this right may be system- or community-based. Wash. Rev. Code Ann. § 7.69.020(6).</p> <p> Wash. Rev. Code Ann. § 7.69.020 defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p> <p> A promising practice is to have a policy and procedure in place to notify victims of violent and sex crimes, at the first opportunity, of their right to have a victim advocate support person present at pretrial interviews and judicial proceedings.</p>	
<p>Victims’ Right to Be Physically Present in Court During Trial.</p> <p>[Victims have the right,] [w]ith 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[.]</p> <p> Wash. Rev. Code Ann. § 7.69.020 defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p> <p> Felony crime victims have a constitutional right, “subject to the discretion of the individual presiding over the trial or court proceedings, [to] attend trial and all other court</p>	<p>Wash. Rev. Code Ann. § 7.69.030(11).</p>



<p>proceedings the defendant has the right to attend.” Wash. Const. art. I, § 35. This right is included above</p> <p> A victim’s constitutional and statutory right to be present should provide for the victim’s presence during the entirety of the trial. Even if the victim is to be a witness and the court concludes that the victim’s testimony would be materially altered or affected if the victim hears other testimony, consider discussing with the prosecutor the possibility of the victim testifying first to best ensure the victim’s right to be present during the entirety of the trial.</p>	
<p>Victims’ Right to Notice of Date, Time and Place of Trial and Sentencing.</p> <p>[Victims have the right,] [w]ith 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[.]</p> <p> Wash. Rev. Code Ann. § 7.69.020 defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p> <p> Felony crime victims have a constitutional right to be informed of trial and all other court proceedings the defendant has a right to attend. Wash. Const. art. I, § 35. This right is included above.</p> <p> A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that victims must “request” the exercise of certain rights. Agencies should carefully maintain documentation of a victim’s request to exercise rights.</p>	<p>Wash. Rev. Code Ann. § 7.69.030(12).</p>
<p>Victims’ Right to Submit an Impact Statement.</p>	<p>Wash. Rev. Code Ann. § 7.69.030(13).</p>





<p>[Victims have the right] [t]o submit a victim impact statement or report to the court, with the assistance of the prosecuting attorney if requested, which shall 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[.]</p> <p> Wash. Rev. Code Ann. § 7.69.020 defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p> <p> Felony crime victims have a constitutional right, “to make a statement at sentencing and at any proceeding where the defendant’s release is considered, subject to the same rules of procedure which govern the defendant’s rights.” Wash. Const. art. I, § 35.</p> <p> A promising practice is to be familiar with the acceptable formats for victim impact statements so that victims can be informed about all of their options. Depending on your jurisdiction’s law, victims may choose to: (1) read or speak their impact statement aloud at the sentencing proceeding, or have another person do it for them; (2) submit a written victim impact statement to the court in advance of sentencing; (3) provide an impact statement using technology to facilitate remote attendance; and/or (4) play or submit an impact statement that was created using audio and video technology.</p>	
<p>Felony Victims’ Right to Present a Statement in Person or by Representation at Sentencing.</p> <p>[Victims and survivors of victims have the right] to present a statement personally or by representation, at the sentencing hearing for felony convictions[.]”</p> <p> Wash. Rev. Code Ann. § 7.69.020 defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p>	<p>Wash. Rev. Code Ann. § 7.69.030(14).</p>




<p> Felony crime victims have a constitutional right, “to make a statement at sentencing and at any proceeding where the defendant’s release is considered, subject to the same rules of procedure which govern the defendant’s rights.” Wash. Const. art. I, § 35.</p>	
<p>Felony Victims’ Right to Restitution.</p> <p>[Victims and survivors of victims have the right] to entry of an order of restitution by the court in all felony cases, even when the offender is sentenced to confinement, unless extraordinary circumstances exist which make restitution inappropriate in the court’s judgment.</p> <p> Wash. Rev. Code Ann. § 7.69.020 defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p> <p> Wash. Rev. Code Ann. § 9.94A.750 and § 9.94A.753 govern the scope of restitution. These statutory provisions are included below.</p> <p> A promising practice, when informing victims about their right to restitution, is to notify victims that they should collect and organize all documentation relating to their losses. Assisting victims with the documentation of their losses—including anticipated future expenses—is recommended from the earliest moments of the case.</p>	<p>Wash. Rev. Code Ann. § 7.69.030(15).</p>
<p>Victims’ Right to Make a Statement Before Postsentence Release.</p> <p>(1) The legislature recognizes the significant concerns that many victims, survivors of victims, and witnesses of crimes have when offenders are considered for postsentence release from confinement. Therefore, it is the intent of the legislature to ensure that victims, survivors of victims, and witnesses of crimes are afforded the opportunity to make a</p>	<p>Wash. Rev. Code Ann. § 7.69.032.</p>




<p>statement that will be considered prior to the granting of postsentence release from confinement for any offender under the jurisdiction of the indeterminate sentence review board or its successor, or by the governor regarding an application for pardon or commutation of sentence.</p> <p>(2) Victims, survivors of victims, and witnesses of crimes have the following rights:</p> <p>(a) With respect to victims, survivors of victims, and witnesses of crimes, to present a statement to the indeterminate sentence review board or its successor, in person or by representation, via audio or videotape or other electronic means, or in writing, prior to the granting of parole or community custody release for any offender under the board's jurisdiction.</p> <p>(b) With respect to victims and survivors of victims, to present a statement to the clemency and pardons board in person, via audio or videotape or other electronic means, or in writing, at any hearing conducted regarding an application for pardon or commutation of sentence.</p> <p> Wash. Rev. Code Ann. § 7.69.020 defines the terms used in this statutory provision. These definitions are included above in the section "Select Definitions."</p>	
<p>Protection of Witnesses Who Testify Against Criminal Gang Members.</p> <p>The legislature recognizes that witnesses are often fearful of testifying against criminal gang members. Witnesses may be subject to harassment, intimidation, and threats. While the state does not ensure protection of witnesses, the state intends to provide resources to assist local prosecutors in combating gang-related crimes and to help citizens perform their civic duty to testify in these cases.</p> <p> Wash. Rev. Code Ann. § 7.69.020 defines the terms used in this statutory provision. These definitions are included above in the section "Select Definitions."</p>	<p>Wash. Rev. Code Ann. § 7.69.035.</p>




<p>Incapacitated Victims' Right to Representation by Parent, Legal Guardian or Representative.</p> <p>For purposes of this chapter, a victim who is incapacitated or otherwise incompetent shall be represented by a parent or present legal guardian, or if none exists, by a representative designated by the prosecuting attorney without court appointment or legal guardianship proceedings. Any victim may designate another person as the victim's representative for purposes of the rights enumerated in RCW 7.69.030.</p> <p> Wash. Rev. Code Ann. § 7.69.020 defines the terms used in this statutory provision. These definitions are included above in the section "Select Definitions."</p>	<p>Wash. Rev. Code Ann. § 7.69.040.</p>
<p>Construction of Victims' Rights Statute; Other Remedies or Defenses.</p> <p>Nothing contained in this chapter may be construed to provide grounds for error in favor of a criminal defendant in a criminal proceeding, nor may anything in this chapter be construed to grant a new cause of action or remedy against the state, its political subdivisions, law enforcement agencies, or prosecuting attorneys. The failure of a person to make a reasonable effort to ensure that victims, survivors, and witnesses under this chapter have the rights enumerated in RCW 7.69.030 shall not result in civil liability against that person. This chapter does not limit other civil remedies or defenses of the offender or the victim or survivors of the victim.</p> <p> Wash. Rev. Code Ann. § 7.69.020 defines the terms used in this statutory provision. These definitions are included above in the section "Select Definitions."</p>	<p>Wash. Rev. Code Ann. § 7.69.050.</p>





<p>Child Victims' Statutory Rights: Legislative Intent.</p> <p>The legislature recognizes that it is important that child victims and child witnesses of crime cooperate with law enforcement and prosecutorial agencies and that their assistance contributes to state and local enforcement efforts and the general effectiveness of the criminal justice system of this state. Therefore, it is the intent of the legislature by means of this chapter, to insure that all child victims and witnesses of crime are treated with the sensitivity, courtesy, and special care that must be afforded to each child victim of crime and that their rights be protected by law enforcement agencies, prosecutors, and judges in a manner no less vigorous than the protection afforded the adult victim, witness, or criminal defendant.</p> <p> Wash. Rev. Code Ann. § 7.69A.020 defines the terms used in this statutory provision. These definitions are included above in the section "Select Definitions."</p>	<p>Wash. Rev. Code Ann. § 7.69A.010.</p>
<p>Child-Victims' Right to Additional Rights.</p> <p>In addition to the rights of victims and witnesses provided for in RCW 7.69.030, there shall be every reasonable effort made by law enforcement agencies, prosecutors, and judges to assure that child victims and witnesses are afforded the rights enumerated in this section. Except as provided in RCW 7.69A.050 regarding child victims or child witnesses of violent crimes, sex crimes, or child abuse, the enumeration of rights shall not be construed to create substantive rights and duties, and the application of an enumerated right in an individual case is subject to the discretion of the law enforcement agency, prosecutor, or judge. Child victims and witnesses have the following rights, which apply to any criminal court and/or juvenile court proceeding: [listing rights].</p> <p> Wash. Rev. Code Ann. § 7.69A.020 defines the terms used in this statutory provision. These definitions are included above in the section "Select Definitions."</p>	<p>Wash. Rev. Code Ann. § 7.69A.030.</p>



<p>Child-Victims' Right to Have Proceedings and Investigations Explained in Easily Understood Language.</p> <p>[Child victims have the right] [t]o have explained in language easily understood by the child, all legal proceedings and/or police investigations in which the child may be involved.</p> <p> Wash. Rev. Code Ann. § 7.69A.020 defines the terms used in this statutory provision. These definitions are included above in the section "Select Definitions."</p>	<p>Wash. Rev. Code Ann. § 7.69A.030(1).</p>
<p>Certain Child-Victims' Right to Victim Advocate or Other Support Person Presence at Interviews.</p> <p>[Child victims of sex or violent crimes or child abuse have the right] 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 child victim. This subsection applies if practical and if the presence of the crime victim advocate or support person does not cause any unnecessary delay in the investigation or prosecution of the case. The role of the crime victim advocate is to provide emotional support to the child victim and to promote the child's feelings of security and safety.</p> <p> The victim advocate referenced in this right may be system- or community-based. Wash. Rev. Code Ann. § 7.69A.020(9).</p> <p> Wash. Rev. Code Ann. § 7.69A.020 defines the terms used in this statutory provision. These definitions are included above in the section "Select Definitions."</p> <p> A promising practice is to have a policy and procedure in place to notify child victims</p>	<p>Wash. Rev. Code Ann. § 7.69A.030(2).</p>



<p>and their families, at the first opportunity, of the right to have a victim advocate or other support person present at pretrial interviews.</p>	
<p>Child-Victims' Right to a Secure Waiting Area and to Advocate or Support Person Presence Prior to and During Court Proceedings.</p> <p>[Child victims have the right] [t]o be provided, whenever possible, a secure waiting area during court proceedings and to have an advocate or support person remain with the child prior to and during any court proceedings.</p> <p> Wash. Rev. Code Ann. § 7.69A.020 defines the terms used in this statutory provision. These definitions are included above in the section "Select Definitions."</p> <p> A promising practice is to have a policy and procedure in place to notify child victims and their families, at the first opportunity, of child-victims' right to have a support person present prior to and during court proceedings.</p> <p> Although this provision is directed at court proceedings, the same concept can and should be applied to law enforcement interactions with victims, victims' families, and victims' witnesses.</p>	<p>Wash. Rev. Code Ann. § 7.69A.030(3).</p>
<p>Child-Victims' Right to Nondisclosure of Identifying Information or Photographs.</p> <p>[Child victims have the right] [t]o not have the names, addresses, nor photographs of the living child victim or witness disclosed by any law enforcement agency, prosecutor's office, or state agency without the permission of the child victim, child witness, parents, or legal guardians to anyone except another law enforcement agency, prosecutor, defense counsel, or private or governmental agency that provides services to the child victim or witness.</p>	<p>Wash. Rev. Code Ann. § 7.69A.030(4).</p>




<p> Wash. Rev. Code Ann. § 7.69A.020 defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p>	
<p>Child-Victims’ Right to Have Advocate Make Recommendations Regarding Ability to Cooperate with the Prosecution and Potential Effect of Proceedings.</p> <p>[Child victims have the right] [t]o allow an advocate to make recommendations to the prosecuting attorney about the ability of the child to cooperate with prosecution and the potential effect of the proceedings on the child.</p> <p> Wash. Rev. Code Ann. § 7.69A.020 defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p>	<p>Wash. Rev. Code Ann. § 7.69A.030(5).</p>
<p>Child-Victims’ Right to Have Advocate Provide the Court with Information Regarding the Child’s Ability to Understanding Proceedings.</p> <p>[Child victims have the right] [t]o allow an advocate to provide information to the court concerning the child’s ability to understand the nature of the proceedings.</p> <p> Wash. Rev. Code Ann. § 7.69A.020 defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p>	<p>Wash. Rev. Code Ann. § 7.69A.030(6).</p>
<p>Child-Victims’ Right to Information and Referrals to Social Service Agencies.</p>	<p>Wash. Rev. Code Ann. § 7.69A.030(7).</p>





<p>[Child victims have the right] [t]o be provided information or appropriate referrals to social service agencies to assist the child and/or the child’s family with the emotional impact of the crime, the subsequent investigation, and judicial proceedings in which the child is involved.</p> <p> Wash. Rev. Code Ann. § 7.69A.020 defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p> <p> A promising practice is to have a policy and procedure ensuring that victims receive all required information at the earliest possible time after initial contact with law enforcement. Consideration should be given to providing written notice in the primary language of the victim, as well as in a form accessible to those with vision impairment.</p>	
<p>Child-Victims’ Right to Advocate Presence in Court During Child Victims’ Testimony.</p> <p>Child victims and witnesses have the following rights, which apply to any criminal court and/or juvenile court proceeding: . . . To allow an advocate to be present in court while the child testifies in order to provide emotional support to the child.</p> <p> Wash. Rev. Code Ann. § 7.69A.020 defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p>	<p>Wash. Rev. Code Ann. § 7.69A.030(8).</p>
<p>Child-Victims’ Right to Provide Information to the Court Regarding the Need for Support Person Presence During Child Victims’ Testimony.</p> <p>Child victims and witnesses have the following rights, which apply to any criminal court and/or juvenile court proceeding: To provide information to the court as to the need for the presence of other supportive persons at the court proceedings while the child testifies in order to promote the child’s feelings of security and safety.</p>	<p>Wash. Rev. Code Ann. § 7.69A.030(9).</p>



<p> Wash. Rev. Code Ann. § 7.69A.020 defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p>	
<p>Child-Victims’ Right to Allow Law Enforcement the Opportunity to Enlist Assistance of Other Professionals.</p> <p>[Child victims have the right] [t]o allow law enforcement agencies the opportunity to enlist the assistance of other professional personnel such as child protection services, victim advocates or prosecutorial staff trained in the interviewing of the child victim.</p> <p> Wash. Rev. Code Ann. § 7.69A.020 defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p>	<p>Wash. Rev. Code Ann. § 7.69A.030(10).</p>
<p>Certain Child-Victims’ Right to Written Statement of Rights.</p> <p>[Child victims of violent or sex crimes or child abuse have the right] to receive either directly or through the child’s parent or guardian if appropriate, at the time of reporting the crime to law enforcement officials, a written statement of the rights of child victims as provided in this chapter. The written statement shall include the name, address, and telephone number of a county or local crime victim/witness program, if such a crime victim/witness program exists in the county.</p> <p> Wash. Rev. Code Ann. § 7.69A.020 defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p> <p> A promising practice is to have a policy and procedure ensuring that victims receive all required information at the earliest possible time after initial contact with law enforcement.</p>	<p>Wash. Rev. Code Ann. § 7.69A.030(11).</p>





<p>Consideration should be given to providing written notice in the primary language of the victim, as well as in a form accessible to those with vision impairment.</p>	
<p>Liability for Failure to Notify or Assure Child-Victims are Afforded Their Rights.</p> <p>The failure to provide notice to a child victim or witness under this chapter of the rights enumerated in RCW 7.69A.030 shall not result in civil liability so long as the failure to notify was in good faith and without gross negligence. The failure to make a reasonable effort to assure that child victims and witnesses are afforded the rights enumerated in RCW 7.69A.030 shall not result in civil liability so long as the failure to make a reasonable effort was in good faith and without gross negligence.</p> <p> Wash. Rev. Code Ann. § 7.69A.020 defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p>	<p>Wash. Rev. Code Ann. § 7.69A.040.</p>
<p>Dependent Person-Victims’ Rights: Legislative Intent.</p> <p>The legislature recognizes that it is important that dependent persons who are witnesses and victims of crime cooperate with law enforcement and prosecutorial agencies and that their assistance contributes to state and local enforcement efforts and the general effectiveness of the criminal justice system. The legislature finds that the state has an interest in making it possible for courts to adequately and fairly conduct cases involving dependent persons who are victims of crimes. Therefore, it is the intent of the legislature, by means of this chapter, to insure that all dependent persons who are victims and witnesses of crime are treated with sensitivity, courtesy, and special care and that their rights be protected by law enforcement agencies, prosecutors, and judges in a manner no less vigorous than the protection afforded to other victims, witnesses, and criminal defendants.</p> <p> Wash. Rev. Code Ann. § 7.69B.010 defines the terms used in this statutory provision.</p>	<p>Wash. Rev. Code Ann. § 7.69B.005.</p>


<p>These definitions are included above in the section “Select Definitions.”</p>	
<p>Dependent Person-Victims’ Right to Additional Rights.</p> <p>In addition to the rights of victims and witnesses provided for in RCW 7.69.030, there shall be every reasonable effort made by law enforcement agencies, prosecutors, and judges to assure that dependent persons who are victims or witnesses are afforded the rights enumerated in this section. The enumeration of rights under this chapter shall not be construed to create substantive rights and duties, and the application of an enumerated right in an individual case is subject to the discretion of the law enforcement agency, prosecutor, or judge. Dependent persons who are victims or witnesses in the criminal justice system have the following rights, which apply to any criminal court or juvenile court proceeding: [listing rights].</p> <p> Wash. Rev. Code Ann. § 7.69B.010 defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p>	<p>Wash. Rev. Code Ann. § 7.69B.020(1).</p>
<p>Dependent Person-Victims’ Right to Have Proceedings and Investigations Explained in Easily Understood Language.</p> <p>[Dependent persons who are victims have the right] [t]o have explained in language easily understood by the dependent person, all legal proceedings and police investigations in which the dependent person may be involved.</p> <p> Wash. Rev. Code Ann. § 7.69B.010 defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p>	<p>Wash. Rev. Code Ann. § 7.69B.020(1)(a).</p>



<p>Certain Dependent Person-Victims' Right to Have Victim Advocate Present at Pretrial Interviews.</p> <p>[Dependent persons who are victims of a sex or violent crime have the right] to have a crime victim advocate from a crime victim/witness program, or any other advocate of the victim's choosing, present at any prosecutorial or defense interviews with the dependent person. This subsection applies unless it creates undue hardship and if the presence of the crime victim advocate or other advocate does not cause any unnecessary delay in the investigation or prosecution of the case. The role of the crime victim advocate or other advocate is to provide emotional support to the dependent person and to promote the dependent person's feelings of security and safety.</p> <p> The victim advocate referenced in this right may be system- or community-based. Wash. Rev. Code Ann. § 7.69B.010(9).</p> <p> Wash. Rev. Code Ann. § 7.69B.010 defines the terms used in this statutory provision. These definitions are included above in the section "Select Definitions."</p> <p> A promising practice is to have a policy and procedure in place to notify dependent person-victims, at the first opportunity, of the right to have a victim advocate or other advocate present at pretrial interviews.</p>	<p>Wash. Rev. Code Ann. § 7.69B.020(1)(b).</p>
<p>Dependent Person-Victims' Right to Secure Waiting Area and Support Person Presence Prior to and During Court Proceedings.</p> <p>[Dependent persons who are victims have the right] [t]o be provided, whenever possible, a secure waiting area during court proceedings and to have an advocate or support person remain with the dependent person prior to and during any court proceedings.</p>	<p>Wash. Rev. Code Ann. § 7.69B.020(1)(c).</p>


<p> Wash. Rev. Code Ann. § 7.69B.010 defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p> <p> A promising practice is to have a policy and procedure in place to notify dependent person-victims and their families, at the first opportunity, of the victims’ right to have a support person present prior to and during court proceedings.</p> <p> Although this provision is directed at court proceedings, the same concept can and should be applied to law enforcement interactions with victims, victims’ families, and victims’ witnesses.</p>	
<p>Dependent Person-Victims’ Right to Allow Advocate to Make Recommendations to Prosecuting Attorney About Ability to Cooperate and Potential Effect of Proceedings.</p> <p>[Dependent persons who are victims have the right] [t]o allow an advocate to make recommendations to the prosecuting attorney about the ability of the dependent person to cooperate with prosecution and the potential effect of the proceedings on the dependent person.</p> <p> Wash. Rev. Code Ann. § 7.69B.010 defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p>	<p>Wash. Rev. Code Ann. § 7.69B.020(1)(d).</p>


<p>Dependent Person-Victims’ Right to Allow Advocate to Provide Court with Information Regarding Ability to Understand Proceedings.</p> <p>[Dependent persons who are victims have the right] [t]o allow an advocate to provide information to the court concerning the dependent person’s ability to understand the nature of the proceedings.</p> <p> Wash. Rev. Code Ann. § 7.69B.010 defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p>	<p>Wash. Rev. Code Ann. § 7.69B.020(1)(e).</p>
<p>Dependent Person-Victims’ Right to Allow Advocate to Be Present in Court During Victims’ Testimony.</p> <p>[Dependent persons who are victims have the right] [t]o allow an advocate to be present in court while the dependent person testifies in order to provide emotional support to the dependent person.</p> <p> Wash. Rev. Code Ann. § 7.69B.010 defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p>	<p>Wash. Rev. Code Ann. § 7.69B.020(1)(g).</p>
<p>Dependent Person-Victims’ Right to Provide Information to the Court Regarding Need for Support Person Presence During Testimony.</p> <p>[Dependent persons who are victims have the right] [t]o provide information to the court as to the need for the presence of other supportive persons at the court proceedings while the dependent person testifies in order to promote the dependent person’s feelings of security and safety.</p>	<p>Wash. Rev. Code Ann. § 7.69B.020(1)(h).</p>

<p> Wash. Rev. Code Ann. § 7.69B.010 defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p>	
<p>Dependent Person-Victims’ Right to Allow Law Enforcement to Enlist Assistance of Other Professional Personnel.</p> <p>[Dependent persons who are victims have the right] [t]o allow law enforcement agencies the opportunity to enlist the assistance of other professional personnel such as victim advocates or prosecutorial staff trained in the interviewing of the dependent person.</p> <p> Wash. Rev. Code Ann. § 7.69B.010 defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p>	<p>Wash. Rev. Code Ann. § 7.69B.020(1)(i).</p>
<p>Certain Dependent Person-Victims’ Right to Written Statement of Rights.</p> <p>[Dependent persons who are victims of a violent or sex crime have the right] to receive either directly or through the dependent person’s legal guardian, if applicable, at the time of reporting the crime to law enforcement officials, a written statement of the rights of dependent persons as provided in this chapter. The statement may be paraphrased to make it more easily understood. The written statement shall include the name, address, and telephone number of a county or local crime victim/witness program, if such a crime victim/witness program exists in the county.</p> <p> Wash. Rev. Code Ann. § 7.69B.010 defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p> <p> A promising practice is to have a policy and procedure ensuring that victims receive all required information at the earliest possible time after initial contact with law enforcement.</p>	<p>Wash. Rev. Code Ann. § 7.69B.020(1)(j).</p>


<p>Consideration should be given to providing written notice in the primary language of the victim, as well as in a form accessible to those with vision impairment.</p>	
<p>Preliminary Hearing to Establish Accommodations for Dependent Person-Victims.</p> <p>Any party may request a preliminary hearing for the purpose of establishing accommodations for the dependent person consistent with, but not limited to, the rights enumerated in this section.</p> <p> Wash. Rev. Code Ann. § 7.69B.010 defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p>	<p>Wash. Rev. Code Ann. § 7.69B.020(2).</p>
<p>Videotaped Depositions of Dependent Person-Victims.</p> <p>(1) The prosecutor or defense may file a motion with the court at any time prior to commencement of the trial for an order authorizing the taking of a videotape deposition for the purpose of preserving the direct testimony of the moving party’s witness if that witness is a dependent person.</p> <p>(2) The court may grant the motion if the moving party shows that it is likely that the dependent person will be unavailable to testify at a subsequent trial. The court’s finding shall be based upon, at a minimum, recommendations from the dependent person’s physician or any other person having direct contact with the dependent person and whose recommendations are based on specific behavioral indicators exhibited by the dependent person.</p> <p>(3) The moving party shall provide reasonable written notice to the other party of the motion and order, if granted, pursuant to superior court criminal rules for depositions.</p>	<p>Wash. Rev. Code Ann. § 7.69B.030.</p>



<p>(4) Both parties shall have an opportunity to be present at the deposition and the nonmoving party shall have the opportunity to cross-examine the dependent person.</p> <p>(5) Under circumstances permitted by the rules of evidence, the deposition may be introduced as evidence in a subsequent proceeding if the dependent person is unavailable at trial and both the prosecutor and the defendant had notice of and an opportunity to participate in the taking of the deposition.</p> <p> Wash. Rev. Code Ann. § 7.69B.010 defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p>	
<p>Liability for Violating Dependent Person-Victims’ Rights.</p> <p>(1) The failure to provide notice to a dependent person of the rights enumerated in this chapter or the failure to provide the rights enumerated shall not result in civil liability so long as the failure was in good faith.</p> <p>(2) Nothing in this chapter shall be construed to limit a party’s ability to bring an action, including an action for damages, based on rights conferred by other state or federal law.</p> <p> Wash. Rev. Code Ann. § 7.69B.010 defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p>	<p>Wash. Rev. Code Ann. § 7.69B.040.</p>
<p>Sexual Assault Advocate-Victim Privilege.</p> <p>A sexual assault advocate may not, without the consent of the victim, be examined as to any communication made between the victim and the sexual assault advocate.</p> <p>...</p>	<p>Wash. Rev. Code Ann. § 5.60.060(7)(b).</p>


<p>A sexual assault advocate may disclose a confidential communication without the consent of the victim if failure to disclose is likely to result in a clear, imminent risk of serious physical injury or death of the victim or another person. Any sexual assault advocate participating in good faith in the disclosing of records and communications under this section shall have immunity from any liability, civil, criminal, or otherwise, that might result from the action. In any proceeding, civil or criminal, arising out of a disclosure under this section, the good faith of the sexual assault advocate who disclosed the confidential communication shall be presumed.</p> <p> Wash. Rev. Code Ann. §5.60.060(7)(a) defines the term “sexual assault advocate” used in this statutory provision. This definition is included above in the section “Select Definitions.”</p>	
<p>Domestic Violence Advocate-Victim Privilege.</p> <p>A domestic violence advocate may not, without the consent of the victim, be examined as to any communication between the victim and the domestic violence advocate.</p> <p>...</p> <p>A domestic violence advocate may disclose a confidential communication without the consent of the victim if failure to disclose is likely to result in a clear, imminent risk of serious physical injury or death of the victim or another person. This section does not relieve a domestic violence advocate from the requirement to report or cause to be reported an incident under RCW 26.44.030(1) or to disclose relevant records relating to a child as required by RCW 26.44.030(15). Any domestic violence advocate participating in good faith in the disclosing of communications under this subsection is immune from liability, civil, criminal, or otherwise, that might result from the action. In any proceeding, civil or criminal, arising out of a disclosure under this subsection, the good faith of the domestic violence advocate who disclosed the confidential communication shall be presumed.</p>	<p>Wash. Rev. Code Ann. § 5.60.060(8).</p>




<p> Wash. Rev. Code Ann. §5.60.060(8)(a) defines the term “domestic violence advocate” used in this statutory provision. This definition is included above in the section “Select Definitions.”</p>	
<p>Mental Health Counselor-, Independent Clinical Social Worker-, Marriage and Family Therapist-Client Privileges.</p> <p>A mental health counselor, independent clinical social worker, or marriage and family therapist licensed under chapter 18.225 RCW may not disclose, or be compelled to testify about, any information acquired from persons consulting the individual in a professional capacity when the information was necessary to enable the individual to render professional services to those persons except:</p> <p>(a) With the written authorization of that person or, in the case of death or disability, the person’s personal representative;</p> <p>(b) If the person waives the privilege by bringing charges against the mental health counselor licensed under chapter 18.225 RCW;</p> <p>(c) In response to a subpoena from the secretary of health. The secretary may subpoena only records related to a complaint or report under RCW 18.130.050;</p> <p>(d) As required under chapter 26.44 or 74.34 RCW or RCW 71.05.217 (6) or (7); or</p> <p>(e) To any individual if the mental health counselor, independent clinical social worker, or marriage and family therapist licensed under chapter 18.225 RCW reasonably believes that disclosure will avoid or minimize an imminent danger to the health or safety of the individual or any other individual; however, there is no obligation on the part of the provider to so disclose.</p>	<p>Wash. Rev. Code Ann. § 5.60.060(9).</p>

<p>Registered Nurse-Patient Privilege.</p> <p>No registered nurse providing primary care or practicing under protocols, whether or not the physical presence or direct supervision of a physician is required, may be examined in a civil or criminal action as to any information acquired in attending a patient in the registered nurse's professional capacity, if the information was necessary to enable the registered nurse to act in that capacity for the patient, unless:</p> <p>(1) The patient consents to disclosure or, in the event of death or disability of the patient, his or her personal representative, heir, beneficiary, or devisee consents to disclosure; or</p> <p>(2) The information relates to the contemplation or execution of a crime in the future, or relates to the neglect or the sexual or physical abuse of a child, or of a vulnerable adult as defined in RCW 74.34.020, or to a person subject to proceedings under chapter *70.96A, 71.05, or 71.34 RCW.</p> <p>*Reviser's note: Chapter 70.96A RCW was repealed and/or recodified in its entirety pursuant to 2016 sp. s. c 29 §§ 301, 601, and 701.</p>	<p>Wash. Rev. Code Ann. § 5.62.020.</p>
<p>Sexual Assault Protection Order Act: Legislative Intent</p> <p>Sexual assault is the most heinous crime against another person short of murder. Sexual assault inflicts humiliation, degradation, and terror on victims. According to the FBI, a woman is raped every six minutes in the United States. Rape is recognized as the most underreported crime; estimates suggest that only one in seven rapes is reported to authorities. Victims who do not report the crime still desire safety and protection from future interactions with the offender. Some cases in which the rape is reported are not prosecuted. In these situations, the victim should be able to seek a civil remedy requiring that the offender stay away from the victim. It is the intent of the legislature that the sexual assault protection order created by this chapter be a remedy for victims who do not qualify for a domestic violence order of protection.</p>	<p>Wash. Rev. Code Ann. § 7.90.005.</p>

<p> For more information about the issuance and scope of civil sexual assault protective orders under the Sexual Assault Protection Order Act, <i>see</i> Wash. Rev. Code Ann. §§ 7.90.010 through 7.90.190. Importantly, a victim cannot be denied a sexual assault protection order because they are a minor or because they did not report the assault to law enforcement. <i>Id.</i> at § 7.90.090(1)(b). When determining whether to issue such a protection order, the court may not require proof of physical injury to the victim or proof that the assault was reported to law enforcement. <i>Id.</i></p>	
<p>Sexual Assault Protective Order Act: Victims Right to Be Accompanied by a Sexual Assault Advocate; Communications Privileged.</p> <p>Sexual assault advocates, as defined in RCW 5.60.060, shall be allowed to accompany the victim and confer with the victim, unless otherwise directed by the court. Court administrators shall allow sexual assault advocates to assist victims of nonconsensual sexual conduct or nonconsensual sexual penetration in the preparation of petitions for sexual assault protection orders. Sexual assault advocates are not engaged in the unauthorized practice of law when providing assistance of the types specified in this section. Communications between the petitioner and a sexual assault advocate are protected as provided by RCW 5.60.060.</p>	<p>Wash. Rev. Code Ann. § 7.90.060.</p>
<p>Jennifer Paulson Stalking Protection Order Act: Legislative Intent.</p> <p>Stalking is a crime that affects 3.4 million people over the age of eighteen each year in the United States. Almost half of those victims experience at least one unwanted contact per week. Twenty-nine percent of stalking victims fear that the stalking will never stop. The prevalence of anxiety, insomnia, social dysfunction, and severe depression is much higher among stalking victims than the general population. Three in four stalking victims are stalked by someone they know, and at least thirty percent of stalking victims are stalked by a current or former intimate partner. For many of those victims, the domestic violence</p>	<p>Wash. Rev. Code Ann. § 7.92.010.</p>

<p>protection order is a tool they can access to help them stay safer. For those who have not had an intimate relationship with the person stalking them, there are few remedies for them under the law. Victims who do not report the crime still desire safety and protection from future interactions with the offender. Some cases in which the stalking is reported are not prosecuted. In these situations, the victim should be able to seek a civil remedy requiring that the offender stay away from the victim. It is the intent of the legislature that the stalking protection order created by this chapter be a remedy for victims who do not qualify for a domestic violence order of protection. Moreover, it is the intent of the legislature that courts specifically distinguish stalking conduct covered by the stalking protection order from common acts of harassment or nuisance covered by antiharassment orders. Law enforcement agencies need to be able to rely on orders that distinguish stalking conduct from common acts of harassment or nuisance. Victims of stalking conduct deserve the same protection and access to the court system as victims of domestic violence and sexual assault, and this protection can be accomplished without infringing on constitutionally protected speech or activity. The legislature finds that preventing the issuance of conflicting orders is in the interest of both petitioners and respondents.</p> <p> For more information about the issuance and scope of civil stalking protective orders under the Jennifer Paulson Stalking Protection Order Act, <i>see</i> Wash. Rev. Code Ann. §§ 7.92.010 through 7.92.900. Importantly, the filing of criminal charges is not required as a condition of such a protective order. <i>Id.</i> at § 7.92.900.</p> <p> This statute is effective until July 1, 2022.</p>	
<p>Jennifer Paulson Stalking Protection Order Act: Victim Advocates.</p> <p>Victim advocates shall be allowed to accompany the victim and confer with the victim, unless otherwise directed by the court. Court administrators shall allow advocates to assist victims of stalking conduct in the preparation of petitions for stalking protection orders.</p>	<p>Wash. Rev. Code Ann. § 7.92.090.</p>

<p>Advocates are not engaged in the unauthorized practice of law when providing assistance of the types specified in this section.</p> <p> This statute is effective until July 1, 2022.</p>	
<p>Extreme Risk Protection Order Act: Purpose; Intent.</p> <p>(1) Chapter 3, Laws of 2017 is designed to temporarily prevent individuals who are at high risk of harming themselves or others from accessing firearms by allowing family, household members, and police to obtain a court order when there is demonstrated evidence that the person poses a significant danger, including danger as a result of threatening or violent behavior.</p> <p>(2) Every year, over one hundred thousand people are victims of gunshot wounds and more than thirty thousand of those victims lose their lives. Over the last five years for which data is available, one hundred sixty-four thousand eight hundred twenty-one people in America were killed with firearms--an average of ninety-one deaths each day.</p> <p>(3) Studies show that individuals who engage in certain dangerous behaviors are significantly more likely to commit violence toward themselves or others in the near future. These behaviors, which can include other acts or threats of violence, self-harm, or the abuse of drugs or alcohol, are warning signs that the person may soon commit an act of violence.</p> <p>(4) Individuals who pose a danger to themselves or others often exhibit signs that alert family, household members, or law enforcement to the threat. Many mass shooters displayed warning signs prior to their killings, but federal and state laws provided no clear legal process to suspend the shooters' access to guns, even temporarily.</p> <p>(5) In enacting chapter 3, Laws of 2017, it is the purpose and intent of the people to reduce gun deaths and injuries, while respecting constitutional rights, by providing a court procedure for family, household members, and law enforcement to obtain an order</p>	<p>Wash. Rev. Code Ann. § 7.94.010.</p>

<p>temporarily restricting a person’s access to firearms. Court orders are intended to be limited to situations in which the person poses a significant danger of harming themselves or others by possessing a firearm and include standards and safeguards to protect the rights of respondents and due process of law.</p> <p> For more information about the issuance and scope of civil extreme risk protective orders under the Extreme Risk Protection Order Act, <i>see</i> Wash. Rev. Code Ann. §§ 7.94.010 through 7.94.900.</p> <p> This statute is effective until July 1, 2022.</p>	
<p>Safety and Access for Immigrant Victims Act: Legislative Finding.</p> <p>The legislature finds that ensuring that all victims of crimes are able to access the protections available to them under law is in the best interest of victims, law enforcement, and the entire community. Immigrants are frequently reluctant to cooperate with or contact law enforcement when they are victims of crimes, and the protections available to immigrants under the law are designed to strengthen the ability of law enforcement agencies to detect, investigate, and prosecute cases of trafficking in persons, domestic violence, sexual assault, and other crimes while offering protection to such victims.</p> <p> Wash. Rev. Code Ann. § 7.98.010 defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p>	<p>Wash. Rev. Code Ann. § 7.98.005.</p>
<p>Safety and Access for Immigrant Victims Act: Certifying Agencies.</p> <p>(1) Upon the request by the victim or representative thereof including, but not limited to, the victim’s attorney, accredited representative, or domestic violence, sexual assault, or victim’s</p>	<p>Wash. Rev. Code Ann. § 7.98.020.</p>


service provider, a certifying agency shall: (a) Make a determination on United States citizenship and immigration services form I-918 supplement B or relevant successor certification form, whether the victim was a victim of criminal activity and has been helpful, is being helpful, or is likely to be helpful to the detection or investigation or prosecution of that criminal activity; or (b) make a determination on United States citizenship and immigration services form I-914 supplement B or relevant successor certification form, whether the victim is or has been a victim of trafficking and, unless the victim is under the age of eighteen, whether he or she has complied with any reasonable requests from law enforcement in any related investigation or prosecution of the acts of trafficking in which he or she was a victim.


(2) Upon a certifying agency's affirmative determination under subsection (1) of this section, the certifying official shall fully complete and sign the certification, including, if applicable, the specific details regarding the nature of the crime investigated or prosecuted and a detailed description of the victim's helpfulness or likely helpfulness to the detection or investigation or prosecution of criminal activity.

(3) A certifying agency shall process the certification within ninety days of request, unless the victim is in federal immigration removal proceedings, in which case the certifying agency shall execute the certification no later than fourteen days after the request is received by the agency. In any case in which the victim or the victim's children would lose any benefits under 8 U.S.C. Sec. 1184 (o) and (p) by virtue of having reached the age of twenty-one years within ninety days after the certifying agency receives the certification request, the certifying agency shall execute the certification no later than fourteen days before the date on which the victim or child would reach the age of twenty-one years or ninety days from the date of the request, whichever is earlier. Requests for expedited certification must be affirmatively raised by the victim.

(4) A current investigation, the filing of charges, and a prosecution or conviction are not required for a victim to request and obtain the certification from a certifying official.

- (5) A certifying agency may only withdraw the certification if the victim unreasonably refuses to provide information and assistance related to the investigation or prosecution of the associated criminal activity when reasonably requested by the certifying agency.
- (6) The head of each certifying agency shall designate an agent, who performs a supervisory role within the agency, to perform the following responsibilities:
- (a) Respond to requests for certifications;
 - (b) Provide outreach to victims of criminal activity and trafficking to inform them of the agency's certification process; and
 - (c) Keep written documentation regarding the number of victims who requested certifications, the number of certification forms that were signed, the number of certification forms that were denied, and the number of certifications that were withdrawn, which must be reported to the office of crime victims advocacy on an annual basis.
- (7) All certifying agencies shall develop a language access protocol for limited English proficient and deaf or hard of hearing victims of criminal activity.
- (8) A certifying agency shall reissue any certification within ninety days of receiving a request from the victim of criminal activity or trafficking or representative thereof including, but not limited to, the victim's attorney, accredited representative, or domestic violence, sexual assault, or victim's service provider.
- (9) A certifying agency shall not disclose personal identifying information, or information regarding the citizenship or immigration status of any victim of criminal activity or trafficking who is requesting a certification unless required to do so by applicable federal law or court order, or unless the certifying agency has written authorization from the victim or, if the victim is a minor or is otherwise not legally competent, by the victim's parent or guardian. This subsection does not modify prosecutor or law enforcement obligations to disclose information and evidence to defendants under *Brady v. Maryland*, 373 U.S. 83, 83 S. Ct. 1194, 10 L. Ed. 2d 215 (1963), or *Kyles v. Whitley*, 514 U.S. 419, 115 S. Ct. 1555; 131 L. Ed. 2d 490 (1995), or any related Washington case law, statutes, or court rules.

<p>(10) The Washington state criminal justice training commission, in collaboration with the office of crime victims advocacy and the crime victim certification steering committee, shall develop and adopt minimum standards for a course of study on U and T nonimmigrant visas, other legal protections for immigrant survivors of criminal activity, and promising practices in working with immigrant crime victims.</p> <p> Wash. Rev. Code Ann. § 7.98.010 defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p>	
<p>Identity Crimes: Legislative Findings; Seniors and Vulnerable Victims.</p> <p>(1) The legislature finds that means of identification and financial information are personal and sensitive information such that if unlawfully obtained, possessed, used, or transferred by others may result in significant harm to a person’s privacy, financial security, and other interests. The legislature finds that unscrupulous persons find ever more clever ways, including identity theft, to improperly obtain, possess, use, and transfer another person’s means of identification or financial information. The legislature intends to penalize for each unlawful act of improperly obtaining, possessing, using, or transferring means of identification or financial information of an individual person. The unit of prosecution for identity theft by use of a means of identification or financial information is each individual unlawful use of any one person’s means of identification or financial information. Unlawfully obtaining, possessing, or transferring each means of identification or financial information of any individual person, with the requisite intent, is a separate unit of prosecution for each victim and for each act of obtaining, possessing, or transferring of the individual person’s means of identification or financial information.</p> <p>(2) The people find that additional measures are needed to protect seniors and vulnerable individuals from identity theft because such individuals often have less ability to protect themselves and such individuals can be targeted using information available through public sources, including publicly available information that identifies such individuals or their in-home caregivers.</p>	<p>Wash. Rev. Code Ann. § 9.35.001.</p>


<p> Wash. Rev. Code Ann. § 9.35.005 defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p>	
<p>Identity Crime Victims’ Right to Information.</p> <p>(1) A person, financial information repository, financial service provider, merchant, corporation, trust, partnership, or unincorporated association possessing information relating to an actual or potential violation of this chapter, and who may have entered into a transaction, provided credit, products, goods, or services, accepted payment, or otherwise done business with a person who has used the victim’s means of identification, must, upon written request of the victim, provide copies of all relevant application and transaction information related to the transaction being alleged as a potential or actual violation of this chapter. Nothing in this section requires the information provider to disclose information that it is otherwise prohibited from disclosing by law, except that a law that prohibits disclosing a person’s information to third parties shall not be used to deny disclosure of such information to the victim under this section.</p> <p>(2) Unless the information provider is otherwise willing to verify the victim’s identification, the victim shall provide the following as proof of positive identification:</p> <ul style="list-style-type: none"> (a) The showing of a government-issued photo identification card or, if providing proof by mail, a copy of a government-issued photo identification card; (b) A copy of a filed police report evidencing the victim’s claim; and (c) A written statement from the state patrol showing that the state patrol has on file documentation of the victim’s identity pursuant to the personal identification procedures in RCW 43.43.760. <p>(3) The provider may require compensation for the reasonable cost of providing the information requested.</p>	<p>Wash. Rev. Code Ann. § 9.35.040.</p>

(4) No person, financial information repository, financial service provider, merchant, corporation, trust, partnership, or unincorporated association may be held liable for an action taken in good faith to provide information regarding potential or actual violations of this chapter to other financial information repositories, financial service providers, merchants, law enforcement authorities, victims, or any persons alleging to be a victim who comply with subsection (2) of this section which evidences the alleged victim's claim for the purpose of identification and prosecution of violators of this chapter, or to assist a victim in recovery of fines, restitution, rehabilitation of the victim's credit, or such other relief as may be appropriate.

(5) A person, financial information repository, financial service provider, merchant, corporation, trust, partnership, or unincorporated association may decline to provide information pursuant to this section when, in the exercise of good faith and reasonable judgment, it believes this section does not require disclosure of the information.

(6) Nothing in this section creates an obligation on the part of a person, financial information repository, financial services provider, merchant, corporation, trust, partnership, or unincorporated association to retain or maintain information or records that they are not otherwise required to retain or maintain in the ordinary course of its business.


(7) The legislature finds that the practices covered by this section are matters vitally affecting the public interest for the purpose of applying the Consumer Protection Act, chapter 19.86 RCW. Violations of this section are not reasonable in relation to the development and preservation of business. It is an unfair or deceptive act in trade or commerce and an unfair method of competition for the purpose of applying the Consumer Protection Act, chapter 19.86 RCW. The burden of proof in an action alleging a violation of this section shall be by a preponderance of the evidence, and the applicable statute of limitation shall be as set forth in RCW 19.182.120. For purposes of a judgment awarded pursuant to an action by a consumer under chapter 19.86 RCW, the consumer shall be awarded actual damages. However, where there has been willful failure to comply with any requirement imposed under this section, the consumer shall be awarded actual damages, a monetary penalty of

<p>one thousand dollars, and the costs of the action together with reasonable attorneys' fees as determined by the court.</p> <p> Wash. Rev. Code Ann. § 9.35.005 defines the terms used in this statutory provision. These definitions are included above in the section "Select Definitions."</p>	
<p>Sexual Exploitation of Children: Findings; Intent.</p> <p>The legislature finds that the prevention of sexual exploitation and abuse of children constitutes a government objective of surpassing importance. The care of children is a sacred trust and should not be abused by those who seek commercial gain or personal gratification based on the exploitation of children.</p> <p>The legislature further finds that the protection of children from sexual exploitation can be accomplished without infringing on a constitutionally protected activity. The definition of "sexually explicit conduct" and other operative definitions demarcate a line between protected and prohibited conduct and should not inhibit legitimate scientific, medical, or educational activities.</p> <p>The legislature further finds that children engaged in sexual conduct for financial compensation are frequently the victims of sexual abuse. Approximately eighty to ninety percent of children engaged in sexual activity for financial compensation have a history of sexual abuse victimization. It is the intent of the legislature to encourage these children to engage in prevention and intervention services and to hold those who pay to engage in the sexual abuse of children accountable for the trauma they inflict on children.</p> <p>The legislature further finds that due to the changing nature of technology, offenders are now able to access child pornography in different ways and in increasing quantities. By amending current statutes governing depictions of a minor engaged in sexually explicit conduct, it is the intent of the legislature to ensure that intentional viewing of and dealing in child pornography over the internet is subject to a criminal penalty without limiting the scope</p>	<p>Wash. Rev. Code Ann. § 9.68A.001.</p>


of existing prohibitions on the possession of or dealing in child pornography, including the possession of electronic depictions of a minor engaged in sexually explicit conduct. It is also the intent of the legislature to clarify, in response to *State v. Sutherby*, 204 P.3d 916 (2009), the unit of prosecution for the statutes governing possession of and dealing in depictions of a minor engaged in sexually explicit conduct. It is the intent of the legislature that the first degree offenses under RCW 9.68A.050, 9.68A.060, and 9.68A.070 have a per depiction or image unit of prosecution, while the second degree offenses under RCW 9.68A.050, 9.68A.060, and 9.68A.070 have a per incident unit of prosecution as established in *State v. Sutherby*, 204 P.3d 916 (2009). Furthermore, it is the intent of the legislature to set a different unit of prosecution for the new offense of viewing of depictions of a minor engaged in sexually explicit conduct such that each separate session of intentionally viewing over the internet of visual depictions or images of a minor engaged in sexually explicit conduct constitutes a separate offense.


The decisions of the Washington supreme court in *State v. Boyd*, 160 W.2d 424, 158 P.3d 54 (2007), and *State v. Grenning*, 169 Wn.2d 47, 234 P.3d 169 (2010), require prosecutors to duplicate and distribute depictions of a minor engaged in sexually explicit conduct (“child pornography”) as part of the discovery process in a criminal prosecution. The legislature finds that the importance of protecting children from repeat exploitation in child pornography is not being given sufficient weight under these decisions. The importance of protecting children from repeat exploitation in child pornography is based upon the following findings:

- (1) Child pornography is not entitled to protection under the First Amendment and thus may be prohibited;
- (2) The state has a compelling interest in protecting children from those who sexually exploit them, and this interest extends to stamping out the vice of child pornography at all levels in the distribution chain;
- (3) Every instance of viewing images of child pornography represents a renewed violation of the privacy of the victims and a repetition of their abuse;
- (4) Child pornography constitutes prima facie contraband, and as such should not be distributed to, or copied by, child pornography defendants or their attorneys;

<p>(5) It is imperative to prohibit the reproduction of child pornography in criminal cases so as to avoid repeated violation and abuse of victims, so long as the government makes reasonable accommodations for the inspection, viewing, and examination of such material for the purposes of mounting a criminal defense. The legislature is also aware that the Adam Walsh child protection and safety act, P.L. 109-248, 120 Stat. 587 (2006), codified at 18 U.S.C. Sec. 3509(m), prohibits the duplication and distribution of child pornography as part of the discovery process in federal prosecutions. This federal law has been in effect since 2006, and upheld repeatedly as constitutional. Courts interpreting the Walsh act have found that such limitations can be employed while still providing the defendant due process. The legislature joins congress, and the legislatures of other states that have passed similar provisions, in protecting these child victims so that our justice system does not cause repeat exploitation, while still providing due process to criminal defendants.</p> <p> Wash. Rev. Code Ann. § 9.68A.011 defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p>	
<p>Sexual Exploitation of Children: Restrictions on Access to Depictions of Minors Engaged in Sexually Explicit Conduct.</p> <p>(1) In any criminal proceeding, any property or material that constitutes a depiction of a minor engaged in sexually explicit conduct shall remain in the care, custody, and control of either a law enforcement agency or the court.</p> <p>(2) Despite any request by the defendant or prosecution, any property or material that constitutes a depiction of a minor engaged in sexually explicit conduct shall not be copied, photographed, duplicated, or otherwise reproduced, so long as the property or material is made reasonably available to the parties. Such property or material shall be deemed to be reasonably available to the parties if the prosecution, defense counsel, or any individual sought to be qualified to furnish expert testimony at trial has ample opportunity for inspection, viewing, and examination of the property or material at a law enforcement facility or a neutral facility approved by the court upon petition by the defense.</p>	<p>Wash. Rev. Code Ann. § 9.68A.170.</p>

<p>(3) The defendant may view and examine the property and materials only while in the presence of his or her attorney. If the defendant is proceeding pro se, the court will appoint an individual to supervise the defendant while he or she examines the materials.</p> <p>(4) The court may direct that a mirror image of a computer hard drive containing such depictions be produced for use by an expert only upon a showing that an expert has been retained and is prepared to conduct a forensic examination while the mirror imaged hard drive remains in the care, custody, and control of a law enforcement agency or the court. Upon a substantial showing that the expert's analysis cannot be accomplished while the mirror imaged hard drive is kept within the care, custody, and control of a law enforcement agency or the court, the court may order its release to the expert for analysis for a limited time. If release is granted, the court shall issue a protective order setting forth such terms and conditions as are necessary to protect the rights of the victims, to document the chain of custody, and to protect physical evidence.</p>	
<p>Sexual Exploitation of Children: Sealing, Storage and Destruction of Exhibits Involving Depictions of Minors Engaged in Sexually Explicitly Conduct.</p> <p>(1) Whenever a depiction of a minor engaged in sexually explicit conduct, regardless of its format, is marked as an exhibit in a criminal proceeding, the prosecutor shall seek an order sealing the exhibit at the close of the trial. Any exhibits sealed under this section shall be sealed with evidence tape in a manner that prevents access to, or viewing of, the depiction of a minor engaged in sexually explicit conduct and shall be labeled so as to identify its contents. Anyone seeking to view such an exhibit must obtain permission from the superior court after providing at least ten days notice to the prosecuting attorney. Appellate attorneys for the defendant and the state shall be given access to the exhibit, which must remain in the care and custody of either a law enforcement agency or the court. Any other person moving to view such an exhibit must demonstrate to the court that his or her reason for viewing the exhibit is of sufficient importance to justify another violation of the victim's privacy.</p>	<p>Wash. Rev. Code Ann. § 9.68A.180.</p>

<p>(2) Whenever the clerk of the court receives an exhibit of a depiction of a minor engaged in sexually explicit conduct, he or she shall store the exhibit in a secure location, such as a safe. The clerk may arrange for the transfer of such exhibits to a law enforcement agency evidence room for safekeeping provided the agency agrees not to destroy or dispose of the exhibits without an order of the court.</p> <p>(3) If the criminal proceeding ends in a conviction, the clerk of the court shall destroy any exhibit containing a depiction of a minor engaged in sexually explicit conduct five years after the judgment is final, as determined by the provisions of RCW 10.73.090(3). Before any destruction, the clerk shall contact the prosecuting attorney and verify that there is no collateral attack on the judgment pending in any court. If the criminal proceeding ends in a mistrial, the clerk shall either maintain the exhibit or return it to the law enforcement agency that investigated the criminal charges for safekeeping until the matter is set for retrial. If the criminal proceeding ends in an acquittal, the clerk shall return the exhibit to the law enforcement agency that investigated the criminal charges for either safekeeping or destruction.</p> <p> Wash. Rev. Code Ann. § 9.68A.011 defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p>	
<p>Sexual Exploitation of Children: Depictions of Minors Engaged in Sexually Explicitly Conduct Distributed to Defense Counsel or Expert Witnesses Prior to June 7, 2012.</p> <p>Any depiction of a minor engaged in sexually explicit conduct, in any format, distributed as discovery to defense counsel or an expert witness prior to June 7, 2012, shall either be returned to the law enforcement agency that investigated the criminal charges or destroyed, if the case is no longer pending in superior court. If the case is still pending, the depiction shall be returned to the superior court judge assigned to the case or the presiding judge. The court shall order either the destruction of the depiction or the safekeeping of the depiction if it will be used at trial.</p>	<p>Wash. Rev. Code Ann. § 9.68A.190.</p>

<p>It is not a defense to violations of this chapter for crimes committed after December 31, 2012, that the initial receipt of the depictions was done under the color of law through the discovery process.</p> <p> Wash. Rev. Code Ann. § 9.68A.011 defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p>	
<p>Prosecutors’ Decision Not to Prosecute: Victims’ Request May Be Grounds for Nonprosecution Under Certain Circumstances; Encouragement to Notify Victims and Law Enforcement Personnel of Decision Not to Prosecute.</p> <p>Decision not to prosecute.</p> <p>STANDARD: A prosecuting attorney may decline to prosecute, even though technically sufficient evidence to prosecute exists, in situations where prosecution would serve no public purpose, would defeat the underlying purpose of the law in question or would result in decreased respect for the law.</p> <p>GUIDELINE/COMMENTARY:</p> <p>. . . The following are examples of reasons not to prosecute which could satisfy the standard.</p> <p>. . . (i) Victim Request--It may be proper to decline to charge because the victim requests that no criminal charges be filed and the case involves the following crimes or situations:</p> <ul style="list-style-type: none"> (i) Assault cases where the victim has suffered little or no injury; (ii) Crimes against property, not involving violence, where no major loss was suffered; (iii) Where doing so would not jeopardize the safety of society. <p>Care should be taken to insure that the victim’s request is freely made and is not the product of threats or pressure by the accused.</p>	<p>Wash. Rev. Code Ann. § 9.94A.411(1).</p>

<p>The presence of [this] factors may also justify the decision to dismiss a prosecution which has been commenced.</p> <p>Notification The prosecutor is encouraged to notify the victim, when practical, and the law enforcement personnel, of the decision not to prosecute.</p>	
<p>Prosecutors' Decision to Prosecute: Discussion with Victim Prior to Filing of Charges.</p> <p>Decision to prosecute.</p> <p>... (b) GUIDELINES/COMMENTARY:</p> <p>... (v) Prefiling Discussions with Victim(s)</p> <p>Discussions with the victim(s) or victims' representatives regarding the selection or disposition of charges may occur before the filing of charges. The discussions may be considered by the prosecutor in charging and disposition decisions, and should be considered before reaching any agreement with the defendant regarding these decisions.</p>	<p>Wash. Rev. Code Ann. § 9.94A.411(2)(b).</p>
<p>Prosecutors' Obligation to Confer with the Victim Prior to a Plea Agreement.</p> <p>... In a case involving a crime against persons as defined in RCW 9.94A.411, the prosecutor shall make reasonable efforts to inform the victim of the violent offense of the nature of and reasons for the plea agreement, including all offenses the prosecutor has agreed not to file, and ascertain any objections or comments the victim has to the plea agreement.</p> <p>The court shall not participate in any discussions under this section.</p>	<p>Wash. Rev. Code Ann. § 9.94A.421.</p>

<p>Court's Duty to Consider Victim Impact Statements Before Imposing Sentence.</p> <p>Before imposing a sentence upon a defendant, the court shall conduct a sentencing hearing. The sentencing hearing shall be held within forty court days following conviction. Upon the motion of either party for good cause shown, or on its own motion, the court may extend the time period for conducting the sentencing hearing.</p> <p>Except in cases where the defendant shall be sentenced to a term of total confinement for life without the possibility of release or, when authorized by RCW 10.95.030 for the crime of aggravated murder in the first degree, sentenced to death, the court may order the department to complete a risk assessment report. If available before sentencing, the report shall be provided to the court.</p> <p>Unless specifically waived by the court, the court shall order the department to complete a chemical dependency screening report before imposing a sentence upon a defendant who has been convicted of a violation of the uniform controlled substances act under chapter 69.50 RCW, a criminal solicitation to commit such a violation under chapter 9A.28 RCW, or any felony where the court finds that the offender has a chemical dependency that has contributed to his or her offense. In addition, the court shall, at the time of plea or conviction, order the department to complete a presentence report before imposing a sentence upon a defendant who has been convicted of a felony sexual offense. The department of corrections shall give priority to presentence investigations for sexual offenders. If the court determines that the defendant may be a mentally ill person as defined in RCW 71.24.025, although the defendant has not established that at the time of the crime he or she lacked the capacity to commit the crime, was incompetent to commit the crime, or was insane at the time of the crime, the court shall order the department to complete a presentence report before imposing a sentence.</p> <p>Unless specifically waived by the court, the court shall order the department to complete a presentence investigation before imposing a drug offender sentencing alternative upon a</p>	<p>Wash. Rev. Code Ann. § 9.94A.500(1).</p>
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defendant who has been convicted of a felony offense where domestic violence has been pleaded and proven.

The court shall consider the risk assessment report and presentence reports, if any, including any victim impact statement and criminal history, and allow arguments from the prosecutor, the defense counsel, the offender, the victim, the survivor of the victim, or a representative of the victim or survivor, and an investigative law enforcement officer as to the sentence to be imposed.

A criminal history summary relating to the defendant from the prosecuting authority or from a state, federal, or foreign governmental agency shall be prima facie evidence of the existence and validity of the convictions listed therein. If the court is satisfied by a preponderance of the evidence that the defendant has a criminal history, the court shall specify the convictions it has found to exist. All of this information shall be part of the record. Copies of all risk assessment reports and presentence reports presented to the sentencing court and all written findings of facts and conclusions of law as to sentencing entered by the court shall be sent to the department by the clerk of the court at the conclusion of the sentencing and shall accompany the offender if the offender is committed to the custody of the department. Court clerks shall provide, without charge, certified copies of documents relating to criminal convictions requested by prosecuting attorneys.



Wash. Rev. Code Ann. § 7.69.030(13) affords victims the right to submit a victim impact statement or report to the court.



A promising practice is to be familiar with the acceptable formats for victim impact statements so that victims can be informed about all of their options. Depending on your jurisdiction's law, victims may choose to: (1) read or speak their impact statement aloud at the sentencing proceeding, or have another person do it for them; (2) submit a written victim impact statement to the court in advance of sentencing; (3) provide an impact statement using technology to facilitate remote attendance; and/or (4) play or submit an impact statement that was created using audio and video technology.

<p>Restitution for Offenses Committed On or Before July 1, 1985.</p> <p>This section applies to offenses committed on or before July 1, 1985.</p> <p>(1) If restitution is ordered, the court shall determine the amount of restitution due at the sentencing hearing or within one hundred eighty days. The court may continue the hearing beyond the one hundred eighty days for good cause. The court shall then set a minimum monthly payment that the offender is required to make towards the restitution that is ordered. The court shall not issue any order that postpones the commencement of restitution payments until after the offender is released from total confinement. The court should take into consideration the total amount of the restitution owed, the offender's present, past, and future ability to pay, as well as any assets that the offender may have. An offender's inability to make restitution payments while in total confinement may not be the basis for a violation of his or her sentence unless his or her inability to make payments resulted from a refusal to accept an employment offer to a class I or class II job or a termination for cause from such a job.</p> <p>(2) During the period of supervision, the community corrections officer may examine the offender to determine if there has been a change in circumstances that warrants an amendment of the monthly payment schedule. The community corrections officer may recommend a change to the schedule of payment and shall inform the court of the recommended change and the reasons for the change. The sentencing court may then reset the monthly minimum payments based on the report from the community corrections officer of the change in circumstances.</p> <p>(3) Except as provided in subsection (6) of this section, restitution ordered by a court pursuant to a criminal conviction shall be based on easily ascertainable damages for injury to or loss of property, actual expenses incurred for treatment for injury to persons, and lost wages resulting from injury. Restitution shall not include reimbursement for damages for mental anguish, pain and suffering, or other intangible losses, but may include the costs of</p>	<p>Wash. Rev. Code Ann. § 9.94A.750.</p>
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counseling reasonably related to the offense. The amount of restitution shall not exceed double the amount of the offender's gain or the victim's loss from the commission of the offense.



(4) For the purposes of this section, the offender shall remain under the court's jurisdiction for a term of ten years following the offender's release from total confinement or ten years subsequent to the entry of the judgment and sentence, whichever period is longer. Prior to the expiration of the initial ten-year period, the superior court may extend jurisdiction under the criminal judgment an additional ten years for payment of restitution. The portion of the sentence concerning restitution may be modified as to amount, terms and conditions during either the initial ten-year period or subsequent ten-year period if the criminal judgment is extended, regardless of the expiration of the offender's term of community supervision and regardless of the statutory maximum sentence for the crime. The court may not reduce the total amount of restitution ordered because the offender may lack the ability to pay the total amount. The offender's compliance with the restitution shall be supervised by the department only during any period which the department is authorized to supervise the offender in the community under RCW 9.94A.728, 9.94A.501, or in which the offender is in confinement in a state correctional institution or a correctional facility pursuant to a transfer agreement with the department, and the department shall supervise the offender's compliance during any such period. The department is responsible for supervision of the offender only during confinement and authorized supervision and not during any subsequent period in which the offender remains under the court's jurisdiction. The county clerk is authorized to collect unpaid restitution at any time the offender remains under the jurisdiction of the court for purposes of his or her legal financial obligations.

(5) Restitution may be ordered whenever the offender is convicted of an offense which results in injury to any person or damage to or loss of property or as provided in subsection (6) of this section. In addition, restitution may be ordered to pay for an injury, loss, or damage if the offender pleads guilty to a lesser offense or fewer offenses and agrees with the prosecutor's recommendation that the offender be required to pay restitution to a victim of an offense or offenses which are not prosecuted pursuant to a plea agreement.

(6) Restitution for the crime of rape of a child in the first, second, or third degree, in which the victim becomes pregnant, shall include: (a) All of the victim's medical expenses that are associated with the rape and resulting pregnancy; and (b) child support for any child born as a result of the rape if child support is ordered pursuant to a proceeding in superior court or administrative order for support for that child. The clerk must forward any restitution payments made on behalf of the victim's child to the Washington state child support registry under chapter 26.23 RCW. Identifying information about the victim and child shall not be included in the order. The offender shall receive a credit against any obligation owing under the administrative or superior court order for support of the victim's child. For the purposes of this subsection, the offender shall remain under the court's jurisdiction until the offender has satisfied support obligations under the superior court or administrative order but not longer than a maximum term of twenty-five years following the offender's release from total confinement or twenty-five years subsequent to the entry of the judgment and sentence, whichever period is longer. The court may not reduce the total amount of restitution ordered because the offender may lack the ability to pay the total amount. The department shall supervise the offender's compliance with the restitution ordered under this subsection.

(7) In addition to any sentence that may be imposed, an offender who has been found guilty of an offense involving fraud or other deceptive practice or an organization which has been found guilty of any such offense may be ordered by the sentencing court to give notice of the conviction to the class of persons or to the sector of the public affected by the conviction or financially interested in the subject matter of the offense by mail, by advertising in designated areas or through designated media, or by other appropriate means.

(8) This section does not limit civil remedies or defenses available to the victim or offender including support enforcement remedies for support ordered under subsection (6) of this section for a child born as a result of a rape of a child victim. The court shall identify in the judgment and sentence the victim or victims entitled to restitution and what amount is due each victim. The state or victim may enforce the court-ordered restitution in the same manner as a judgment in a civil action. Restitution collected through civil enforcement must be paid through the registry of the court and must be distributed proportionately according to each victim's loss when there is more than one victim.

<p> Wash. Rev. Code Ann. § 7.69.030(15) guarantees felony victims the right to restitution. This statutory provision is included above.</p> <p> A promising practice, when informing victims about their right to restitution, is to notify victims that they should collect and organize all documentation relating to their losses. Assisting victims with the documentation of their losses—including anticipated future expenses—is recommended from the earliest moments of the case.</p>	
<p>Restitution for Offenses Committed After July 1, 1985.</p> <p>This section applies to offenses committed after July 1, 1985.</p> <p>(1) When restitution is ordered, the court shall determine the amount of restitution due at the sentencing hearing or within one hundred eighty days except as provided in subsection (7) of this section. The court may continue the hearing beyond the one hundred eighty days for good cause. The court shall then set a minimum monthly payment that the offender is required to make towards the restitution that is ordered. The court shall not issue any order that postpones the commencement of restitution payments until after the offender is released from total confinement. The court should take into consideration the total amount of the restitution owed, the offender’s present, past, and future ability to pay, as well as any assets that the offender may have. An offender’s inability to make restitution payments while in total confinement may not be the basis for a violation of his or her sentence unless his or her inability to make payments resulted from a refusal to accept an employment offer to a class I or class II job or a termination for cause from such a job.</p> <p>(2) During the period of supervision, the community corrections officer may examine the offender to determine if there has been a change in circumstances that warrants an amendment of the monthly payment schedule. The community corrections officer may recommend a change to the schedule of payment and shall inform the court of the</p>	<p>Wash. Rev. Code Ann. § 9.94A.753.</p>

recommended change and the reasons for the change. The sentencing court may then reset the monthly minimum payments based on the report from the community corrections officer of the change in circumstances.

(3) Except as provided in subsection (6) of this section, restitution ordered by a court pursuant to a criminal conviction shall be based on easily ascertainable damages for injury to or loss of property, actual expenses incurred for treatment for injury to persons, and lost wages resulting from injury. Restitution shall not include reimbursement for damages for mental anguish, pain and suffering, or other intangible losses, but may include the costs of counseling reasonably related to the offense. The amount of restitution shall not exceed double the amount of the offender's gain or the victim's loss from the commission of the crime.

(4) For the purposes of this section, for an offense committed prior to July 1, 2000, the offender shall remain under the court's jurisdiction for a term of ten years following the offender's release from total confinement or ten years subsequent to the entry of the judgment and sentence, whichever period ends later. Prior to the expiration of the initial ten-year period, the superior court may extend jurisdiction under the criminal judgment an additional ten years for payment of restitution. For an offense committed on or after July 1, 2000, the offender shall remain under the court's jurisdiction until the obligation is completely satisfied, regardless of the statutory maximum for the crime. The portion of the sentence concerning restitution may be modified as to amount, terms, and conditions during any period of time the offender remains under the court's jurisdiction, regardless of the expiration of the offender's term of community supervision and regardless of the statutory maximum sentence for the crime. The court may not reduce the total amount of restitution ordered because the offender may lack the ability to pay the total amount. The offender's compliance with the restitution shall be supervised by the department only during any period which the department is authorized to supervise the offender in the community under RCW 9.94A.728, 9.94A.501, or in which the offender is in confinement in a state correctional institution or a correctional facility pursuant to a transfer agreement with the department, and the department shall supervise the offender's compliance during any such period. The department is responsible for supervision of the offender only during confinement and

authorized supervision and not during any subsequent period in which the offender remains under the court's jurisdiction. The county clerk is authorized to collect unpaid restitution at any time the offender remains under the jurisdiction of the court for purposes of his or her legal financial obligations.

(5) Restitution shall be ordered whenever the offender is convicted of an offense which results in injury to any person or damage to or loss of property or as provided in subsection (6) of this section unless extraordinary circumstances exist which make restitution inappropriate in the court's judgment and the court sets forth such circumstances in the record. In addition, restitution shall be ordered to pay for an injury, loss, or damage if the offender pleads guilty to a lesser offense or fewer offenses and agrees with the prosecutor's recommendation that the offender be required to pay restitution to a victim of an offense or offenses which are not prosecuted pursuant to a plea agreement.



(6) Restitution for the crime of rape of a child in the first, second, or third degree, in which the victim becomes pregnant, shall include: (a) All of the victim's medical expenses that are associated with the rape and resulting pregnancy; and (b) child support for any child born as a result of the rape if child support is ordered pursuant to a civil superior court or administrative order for support for that child. The clerk must forward any restitution payments made on behalf of the victim's child to the Washington state child support registry under chapter 26.23 RCW. Identifying information about the victim and child shall not be included in the order. The offender shall receive a credit against any obligation owing under the administrative or superior court order for support of the victim's child. For the purposes of this subsection, the offender shall remain under the court's jurisdiction until the offender has satisfied support obligations under the superior court or administrative order for the period provided in RCW 4.16.020 or a maximum term of twenty-five years following the offender's release from total confinement or twenty-five years subsequent to the entry of the judgment and sentence, whichever period is longer. The court may not reduce the total amount of restitution ordered because the offender may lack the ability to pay the total amount. The department shall supervise the offender's compliance with the restitution ordered under this subsection.



(7) Regardless of the provisions of subsections (1) through (6) of this section, the court shall order restitution in all cases where the victim is entitled to benefits under the crime victims' compensation act, chapter 7.68 RCW. If the court does not order restitution and the victim of the crime has been determined to be entitled to benefits under the crime victims' compensation act, the department of labor and industries, as administrator of the crime victims' compensation program, may petition the court within one year of entry of the judgment and sentence for entry of a restitution order. Upon receipt of a petition from the department of labor and industries, the court shall hold a restitution hearing and shall enter a restitution order.



(8) In addition to any sentence that may be imposed, an offender who has been found guilty of an offense involving fraud or other deceptive practice or an organization which has been found guilty of any such offense may be ordered by the sentencing court to give notice of the conviction to the class of persons or to the sector of the public affected by the conviction or financially interested in the subject matter of the offense by mail, by advertising in designated areas or through designated media, or by other appropriate means.



(9) This section does not limit civil remedies or defenses available to the victim, survivors of the victim, or offender including support enforcement remedies for support ordered under subsection (6) of this section for a child born as a result of a rape of a child victim. The court shall identify in the judgment and sentence the victim or victims entitled to restitution and what amount is due each victim. The state or victim may enforce the court-ordered restitution in the same manner as a judgment in a civil action. Restitution collected through civil enforcement must be paid through the registry of the court and must be distributed proportionately according to each victim's loss when there is more than one victim.


(10) If a person has caused a victim to lose money or property through the filing of a vehicle report of sale in which the designated buyer had no knowledge of the vehicle transfer or the fraudulent filing of the report of sale, upon conviction or when the offender pleads guilty and agrees with the prosecutor's recommendation that the offender be required to pay restitution to a victim, the court may order the defendant to pay an amount, fixed by the court, not to exceed double the amount of the defendant's gain or victim's loss from the

<p>filing of the vehicle report of sale in which the designated buyer had no knowledge of the vehicle transfer or the fraudulent filing of the report of sale. Such an amount may be used to provide restitution to the victim at the order of the court. It is the duty of the prosecuting attorney to investigate the alternative of restitution, and to recommend it to the court, when the prosecuting attorney believes that restitution is appropriate and feasible. If the court orders restitution, the court must make a finding as to the amount of the victim's loss due to the filing of the report of sale in which the designated buyer had no knowledge of the vehicle transfer or the fraudulent filing of the report of sale, and if the record does not contain sufficient evidence to support such finding, the court may conduct a hearing upon the issue. For purposes of this section, "loss" refers to the amount of money or the value of property or services lost.</p> <p> Wash. Rev. Code Ann. § 7.69.030(15) guarantees felony victims the right to restitution. This statutory provision is included above.</p> <p> A promising practice, when informing victims about their right to restitution, is to notify victims that they should collect and organize all documentation relating to their losses. Assisting victims with the documentation of their losses—including anticipated future expenses—is recommended from the earliest moments of the case.</p>	
<p>Prosecuting Attorney's Duty to Make a Reasonable Effort to Provide Victims with Notice of the Date and Time of Hearing Before the Clemency and Pardons Board; Board's Duty to Consider Victims' Statements.</p> <p>The [clemency and pardons] board shall not recommend that the governor grant clemency under subsection (1) of this section until a public hearing has been held on the petition. The prosecuting attorney of the county where the conviction was obtained shall be notified at least thirty days prior to the scheduled hearing that a petition has been filed and the date and place at which the hearing on the petition will be held. The board may waive the thirty-day notice requirement in cases where it determines that waiver is necessary to permit timely</p>	<p>Wash. Rev. Code § 9.94A.885(3).</p>

<p>action on the petition. A copy of the petition shall be sent to the prosecuting attorney. The prosecuting attorney shall make reasonable efforts to notify victims, survivors of victims, witnesses, and the law enforcement agency or agencies that conducted the investigation, of the date and place of the hearing. Information regarding victims, survivors of victims, or witnesses receiving this notice are confidential and shall not be available to the offender. The board shall consider statements presented as set forth in RCW 7.69.032. This subsection is intended solely for the guidance of the board. Nothing in this section is intended or may be relied upon to create a right or benefit, substantive or procedural, enforceable at law by any person.</p> <p> Wash. Rev. Code Ann. § 7.69.032(2)(b) affords victims the right “to present a statement to the clemency and pardons board in person, via audio or videotape or other electronic means, or in writing, at any hearing conducted regarding an application for pardon or commutation of sentence.” This statutory provision is included above.</p> <p> A promising practice is to have a policy and procedure setting forth what constitutes a “reasonable effort” to notify victims of the date and time of the hearing.</p>	
<p>Prosecuting Attorney’s Duty to Make a Reasonable Effort to Provide Victims with Notice of the Date and Time of a Hearing Before the Indeterminant Sentence Review Board Related to a Pardon Application; Board’s Duty to Consider Victims’ Statements.</p> <p>The [indeterminate sentence review] board shall make no recommendations to the governor in support of an application for pardon until a public hearing has been held under this section or RCW 9.94A.885(3) upon the application. The prosecuting attorney of the county where the conviction was obtained shall be notified at least thirty days prior to the scheduled hearing that an application for pardon has been filed and the date and place at which the hearing on the application for pardon will be held. The board may waive the thirty-day notice requirement in cases where it determines that waiver is necessary to permit timely</p>	<p>Wash. Rev. Code Ann. § 9.95.260(3).</p>

<p>action on the petition. A copy of the application for pardon shall be sent to the prosecuting attorney. The prosecuting attorney shall make reasonable efforts to notify victims, survivors of victims, witnesses, and the law enforcement agency or agencies that conducted the investigation of the date and place of the hearing. Information regarding victims, survivors of victims, or witnesses receiving this notice are confidential and shall not be available to the offender. The board shall consider written, oral, audio, or videotaped statements regarding the application for pardon received, personally or by representation, from the individuals who receive notice pursuant to this section. This subsection is intended solely for the guidance of the board. Nothing in this section is intended or may be relied upon to create a right or benefit, substantive or procedural, enforceable at law by any person.</p> <p> Wash. Rev. Code Ann. § 7.69.032(2)(a) affords victims the right “to present a statement to the indeterminate sentence review board or its successor, in person or by representation, via audio or videotape or other electronic means, or in writing, prior to the granting of parole or community custody release for any offender under the board’s jurisdiction.” This statutory provision is included above.</p> <p> A promising practice is to have a policy and procedure setting forth what constitutes a “reasonable effort” to notify victims of the date and time of the hearing.</p>	
<p>Indeterminate Sentence Review Board’s Duty to Consider Victim Input When Considering End of Sex Offender’s Sentence.</p> <p>In a hearing conducted under subsection (3) of this section, the board shall provide opportunities for the victims of any crimes for which the offender has been convicted to present statements as set forth in RCW 7.69.032. The procedures for victim input shall be developed by rule. To facilitate victim involvement, county prosecutor’s offices shall ensure that any victim impact statements and known contact information for victims of record are forwarded as part of the judgment and sentence.</p>	<p>Wash. Rev. Code Ann. § 9.95.420(4).</p>

<p> Wash. Rev. Code Ann. § 7.69.032 affords victims the right to make a statement and have that statement considered before postsentence release.</p> <p> A promising practice is to have a policy and procedure in place that enables crime victims to easily keep their contact information up-to-date across agencies.</p>	
<p>Victims' Rights Regarding Petitions for Early Release: to Notice; to Copies of Documents and Minutes.</p> <p>(1) Upon receipt of a petition for early release submitted under RCW 9.94A.730, or upon determination of a parole eligibility review date pursuant to RCW 9.95.100 and 9.95.052, the indeterminate sentence review board must provide notice and a copy of a petition or parole eligibility documents to the sentencing court, prosecuting attorney, and crime victim or surviving family member. The board may request the prosecuting attorney to assist in contacting the crime victim or surviving family member. If requested in writing by the sentencing court, the prosecuting attorney, or the crime victim or surviving family member, the indeterminate sentence review board must also provide any assessment, psychological evaluation, institutional behavior record, or other examination of the offender. Notice of the early release hearing date or parole eligibility date, and any evaluations or information relevant to the release decision, must be provided at least ninety days before the early release hearing or parole eligibility review hearing. The records described in this section, and other records reviewed by the board in response to the petition or parole eligibility review[,] must be disclosed in full and without redaction. Copies of records to be provided to the sentencing court and prosecuting attorney under this section must be provided as required without regard to whether the board has received a request for copies.</p> <p>(2) For the purpose of review by the board of a petition for early release or parole eligibility, it is presumed that none of the records reviewed are exempt from disclosure to the sentencing court, prosecuting attorney, and crime victim or surviving family member, in whole or in</p>	<p>Wash. Rev. Code Ann. § 9.95.422.</p>

<p>part. The board may not claim any exemption from disclosure for the records reviewed for an early release petition or parole eligibility review hearing.</p> <p>(3) The board and its subcommittees must provide comprehensive minutes of all related meetings and hearings on a petition for early release or parole eligibility review hearing. The comprehensive minutes should include, but not be limited to, the board members present, the name of the petitioner seeking review, the purpose and date of the meeting or hearing, a listing of documents reviewed, the names of members of the public who testify, a summary of discussion, the motions or other actions taken, and the votes of board members by name. For the purposes of this subsection, “action” has the same meaning as in RCW 42.30.020. The comprehensive minutes must be publicly and conspicuously posted on the board’s web site within thirty days of the meeting or hearing, without any information withheld or redacted. Nothing in this subsection precludes the board from receiving confidential input from the crime victim or surviving family member.</p> <p> A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that victims must “request” the exercise of certain rights. Agencies should carefully maintain documentation of a victim’s request to exercise rights.</p>	
<p>Testimony by Child-Victims Via Closed-Circuit Television.</p> <p>(1) On motion of the prosecuting attorney in a criminal proceeding, the court may order that a child under the age of fourteen may testify in a room outside the presence of the defendant and the jury while one-way closed-circuit television equipment simultaneously projects the child’s testimony into another room so the defendant and the jury can watch and hear the child testify if:</p> <p>(a) The testimony will:</p> <p>(i) Describe an act or attempted act of sexual contact performed with or on the child witness by another person or with or on a child other than the child witness by another person;</p> <p>(ii) Describe an act or attempted act of physical abuse against the child witness by another person or against a child other than the child witness by another person;</p>	<p>Wash. Rev. Code Ann. § 9A.44.150.</p>

<p>(iii) Describe a violation of RCW 9A.40.100 (trafficking) or any offense identified in chapter 9.68A RCW (sexual exploitation of children); or</p> <p>(iv) Describe a violent offense as defined by RCW 9.94A.030 committed against a person known by or familiar to the child witness or by a person known by or familiar to the child witness;</p> <p>(b) The testimony is taken during the criminal proceeding;</p> <p>(c) The court finds by substantial evidence, in a hearing conducted outside the presence of the jury, that requiring the child witness to testify in the presence of the defendant will cause the child to suffer serious emotional or mental distress that will prevent the child from reasonably communicating at the trial. If the defendant is excluded from the presence of the child, the jury must also be excluded;</p> <p>(d) As provided in (a) and (b) of this subsection, the court may allow a child witness to testify in the presence of the defendant but outside the presence of the jury, via closed-circuit television, if the court finds, upon motion and hearing outside the presence of the jury, that the child will suffer serious emotional distress that will prevent the child from reasonably communicating at the trial in front of the jury, or, that although the child may be able to reasonably communicate at trial in front of the jury, the child will suffer serious emotional or mental distress from testifying in front of the jury. If the child is able to communicate in front of the defendant but not the jury the defendant will remain in the room with the child while the jury is excluded from the room;</p> <p>(e) The court finds that the prosecutor has made all reasonable efforts to prepare the child witness for testifying, including informing the child or the child's parent or guardian about community counseling services, giving court tours, and explaining the trial process. If the prosecutor fails to demonstrate that preparations were implemented or the prosecutor in good faith attempted to implement them, the court shall deny the motion;</p> <p>(f) The court balances the strength of the state's case without the testimony of the child witness against the defendant's constitutional rights and the degree of infringement of the closed-circuit television procedure on those rights;</p> <p>(g) The court finds that no less restrictive method of obtaining the testimony exists that can adequately protect the child witness from the serious emotional or mental distress;</p> <p>(h) When the court allows the child witness to testify outside the presence of the defendant, the defendant can communicate constantly with the defense attorney by electronic</p>	
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transmission and be granted reasonable court recesses during the child's testimony for person-to-person consultation with the defense attorney;

(i) The court can communicate with the attorneys by an audio system so that the court can rule on objections and otherwise control the proceedings;

(j) All parties in the room with the child witness are on camera and can be viewed by all other parties. If viewing all participants is not possible, the court shall describe for the viewers the location of the prosecutor, defense attorney, and other participants in relation to the child;

(k) The court finds that the television equipment is capable of making an accurate reproduction and the operator of the equipment is competent to operate the equipment; and

(l) The court imposes reasonable guidelines upon the parties for conducting the filming to avoid trauma to the child witness or abuse of the procedure for tactical advantage.

The prosecutor, defense attorney, and a neutral and trained victim's advocate, if any, shall always be in the room where the child witness is testifying. The court in the court's discretion depending on the circumstances and whether the jury or defendant or both are excluded from the room where the child is testifying, may remain or may not remain in the room with the child.

(2) During the hearing conducted under subsection (1) of this section to determine whether the child witness may testify outside the presence of the defendant and/or the jury, the court may conduct the observation and examination of the child outside the presence of the defendant if:

(a) The prosecutor alleges and the court concurs that the child witness will be unable to testify in front of the defendant or will suffer severe emotional or mental distress if forced to testify in front of the defendant;

(b) The defendant can observe and hear the child witness by closed-circuit television;

(c) The defendant can communicate constantly with the defense attorney during the examination of the child witness by electronic transmission and be granted reasonable court recesses during the child's examination for person-to-person consultation with the defense attorney; and

(d) The court finds the closed-circuit television is capable of making an accurate reproduction and the operator of the equipment is competent to operate the equipment.

Whenever possible, all the parties in the room with the child witness shall be on camera so that the viewers can see all the parties. If viewing all participants is not possible, then the court shall describe for the viewers the location of the prosecutor, defense attorney, and other participants in relation to the child.


(3) The court shall make particularized findings on the record articulating the factors upon which the court based its decision to allow the child witness to testify via closed-circuit television pursuant to this section. The factors the court may consider include, but are not limited to, a consideration of the child's age, physical health, emotional stability, expressions by the child of fear of testifying in open court or in front of the defendant, the relationship of the defendant to the child, and the court's observations of the child's inability to reasonably communicate in front of the defendant or in open court. The court's findings shall identify the impact the factors have upon the child's ability to testify in front of the jury or the defendant or both and the specific nature of the emotional or mental trauma the child would suffer. The court shall determine whether the source of the trauma is the presence of the defendant, the jury, or both, and shall limit the use of the closed-circuit television accordingly.

(4) This section does not apply if the defendant is an attorney pro se unless the defendant has a court-appointed attorney assisting the defendant in the defense.

(5) This section may not preclude the presence of both the child witness and the defendant in the courtroom together for purposes of establishing or challenging the identification of the defendant when identification is a legitimate issue in the proceeding.

(6) The Washington supreme court may adopt rules of procedure regarding closed-circuit television procedures.

(7) All recorded tapes of testimony produced by closed-circuit television equipment shall be subject to any protective order of the court for the purpose of protecting the privacy of the child witness.

<p>(8) Nothing in this section creates a right of the child witness to a closed-circuit television procedure in lieu of testifying in open court.</p> <p>(9) The state shall bear the costs of the closed-circuit television procedure.</p> <p>(10) A child witness may or may not be a victim in the proceeding.</p> <p>(11) Nothing in this section precludes the court, under other circumstances arising under subsection (1)(a) of this section, from allowing a child to testify outside the presence of the defendant and the jury so long as the testimony is presented in accordance with the standards and procedures required in this section.</p>	
<p>Harassment Victims' Right to Obtain Civil Antiharassment Protection Order.</p> <p>The legislature finds that serious, personal harassment through repeated invasions of a person's privacy by acts and words showing a pattern of harassment designed to coerce, intimidate, or humiliate the victim is increasing. The legislature further finds that the prevention of such harassment is an important governmental objective. This chapter is intended to provide victims with a speedy and inexpensive method of obtaining civil antiharassment protection orders preventing all further unwanted contact between the victim and the perpetrator.</p> <p> For more information about the issuance and scope of civil antiharassment protection orders, <i>see</i> Wash. Rev. Code Ann. §§ 10.14.020 through 10.14.800.</p>	<p>Wash. Rev. Code Ann § 10.14.010.</p>
<p>Sexual Assault Child-Victims' Right to the Nondisclosure of Their Identities or Certain Familial Relationship with Offenders.</p> <p>Child victims of sexual assault who are under the age of eighteen, have a right not to have disclosed to the public or press at any court proceeding involved in the prosecution of the</p>	<p>Wash. Rev. Code Ann. § 10.52.100.</p>

<p>sexual assault, the child victim’s name, address, location, photographs, and in cases in which the child victim is a relative or stepchild of the alleged perpetrator, identification of the relationship between the child and the alleged perpetrator. The court shall ensure that information identifying the child victim is not disclosed to the press or the public and that in the event of any improper disclosure the court shall make all necessary orders to restrict further dissemination of identifying information improperly obtained. Court proceedings include but are not limited to pretrial hearings, trial, sentencing, and appellate proceedings. The court shall also order that any portion of any court records, transcripts, or recordings of court proceedings that contain information identifying the child victim shall be sealed and not open to public inspection unless those identifying portions are deleted from the documents or tapes.</p>	
<p>Certain Victim-Witnesses’ Right to Presence of Courthouse Facility Dog in Judicial Proceedings.</p> <p>(1) Courts are authorized to permit a courthouse facility dog for use by witnesses in any judicial proceeding.</p> <p>(2) Courts with an available courthouse facility dog must allow a witness under eighteen years of age, or who has a developmental disability as defined in RCW 71A.10.020, to use a courthouse facility dog to accompany them while testifying in court.</p> <p>(3) Courts may allow any witness who does not meet the criteria in subsection (2) of this section to use a courthouse facility dog, if available, to accompany them while testifying in court.</p> <p>(4) Before the introduction of a courthouse facility dog into the courtroom and outside the presence of the jury, the party desiring to use the assistance of a courthouse facility dog must file a motion setting out: (a) The credentials of the courthouse facility dog; (b) that the courthouse facility dog is adequately insured; (c) that a relationship has been established</p>	<p>Wash. Rev. Code Ann. § 10.52.110(1)–(8).</p>

between the witness and the courthouse facility dog in anticipation of testimony; and (d) reasons why the courthouse facility dog is necessary to facilitate the witness's testimony.

(5) Upon a finding that the presence of a courthouse facility dog is necessary to facilitate a witness's testimony, the witness must be afforded the opportunity to have a courthouse facility dog accompany the witness while testifying, if a courthouse facility dog and certified handler are available within the jurisdiction of the court in which the proceeding is held.

(6) If the court grants the motion filed under subsection (4) of this section, the certified handler must be present in the courtroom to advocate for the [courthouse] facility dog as necessary. The courthouse facility dog performing this service should be trained to accompany the witness to the stand without being attached to the certified handler by a leash and lie on the floor out of view of the jury while the witness testifies.

(7) In a jury trial, the following provisions apply:

(a) In the course of jury selection, either party may, with the court's approval, voir dire prospective jury members on whether the presence of a courthouse facility dog to assist a witness would create undue sympathy for the witness or cause prejudice to a party in any other way.


(b) To the extent possible, the court shall ensure that the jury will be unable to observe the [courthouse] facility dog prior to, during, and subsequent to the witness's testimony.


(c) On request of either party, the court shall present appropriate jury instructions that are designed to prevent any prejudice that might result from the presence of the courthouse facility dog before the witness testifies and at the conclusion of the trial.

(8) Courts may adopt rules for the use of a courthouse facility dog authorized under this section.



Wash. Rev. Code Ann. § 10.52.110(9) defines the terms used in this statutory provision. These definitions are included above in the section "Select Definitions."

<p>Sex Offense Victims' Right to Not Be Asked or Required to Submit to a Polygraph or Other Truth Telling Device.</p> <p>A law enforcement officer, prosecuting attorney, or other government official may not ask or require a victim of an alleged sex offense to submit to a polygraph examination or other truth telling device as a condition for proceeding with the investigation of the offense. The refusal of a victim to submit to a polygraph examination or other truth telling device shall not by itself prevent the investigation, charging, or prosecution of the offense. For the purposes of this section, "sex offense" is any offense under chapter 9A.44 RCW.</p> <p> A promising practice is to ensure that officers who work with victims of sexual offenses are aware that victims cannot be subjected to truth-telling examinations as a condition for proceeding with the investigation.</p>	<p>Wash. Rev. Code § 10.58.038.</p>
<p>Victims' Right to Notice of Criminally Committed Offender's Escape or Disappearance from a State Facility.</p> <p>(1) In the event of an escape by a person committed under this chapter from a state facility or the disappearance of such a person on conditional release or other authorized absence, the superintendent shall provide notification of the person's escape or disappearance for the public's safety or to assist in the apprehension of the person.</p> <p>(a) The superintendent shall notify:</p> <p>(i) State and local law enforcement officers located in the city and county where the person escaped and in the city and county which had jurisdiction of the person on the date of the applicable offense;</p> <p>(ii) Other appropriate governmental agencies; and</p> <p>(iii) The person's relatives.</p> <p>(b) The superintendent shall provide the same notification as required by (a) of this subsection to the following, if such notice has been requested in writing about a specific person committed under this chapter:</p>	<p>Wash. Rev. Code Ann. § 10.77.165.</p>

<p>(i) The victim of the crime for which the person was convicted or the victim's next of kin if the crime was a homicide;</p> <p>(ii) Any witnesses who testified against the person in any court proceedings if the person was charged with a violent offense; and</p> <p>(iii) Any other appropriate persons.</p> <p>(2) Information regarding victims, next of kin, or witnesses requesting the notice, information regarding any other person specified in writing by the prosecuting attorney to receive the notice, and the notice are confidential and shall not be available to the person committed under this chapter.</p> <p>(3) The notice provisions of this section are in addition to those provided in RCW 10.77.205.</p> <p> Wash. Rev. Code Ann. § 10.77.205 affords victims the right to notice of a sexual or violent offender's release, escape and other changes in status. This statutory provision is included below.</p>	
<p>Victims' Right to Notice of the Release, Escape and Certain Other Changes in Status of a Sexual or Violent Offender.</p> <p>(1)(a) At the earliest possible date, and in no event later than thirty days before conditional release, release, authorized furlough pursuant to RCW 10.77.163, or transfer to a less-restrictive facility than a state mental hospital, the superintendent shall send written notice of the conditional release, release, authorized furlough, or transfer of a person who has been found not guilty of a sex, violent, or felony harassment offense by reason of insanity and who is now in the custody of the department pursuant to this chapter, to the following:</p> <p>(i) The chief of police of the city, if any, in which the person will reside; and</p> <p>(ii) The sheriff of the county in which the person will reside.</p> <p>(b) The same notice as required by (a) of this subsection shall be sent to the following, if such notice has been requested in writing about a specific person committed under this chapter:</p>	<p>Wash. Rev. Code Ann. § 10.77.205(1)–(4).</p>

(i) The victim of the crime for which the person was committed or the victim's next of kin if the crime was a homicide;

(ii) Any witnesses who testified against the person in any court proceedings; and

(iii) Any person specified in writing by the prosecuting attorney.

Information regarding victims, next of kin, or witnesses requesting the notice, information regarding any other person specified in writing by the prosecuting attorney to receive the notice, and the notice are confidential and shall not be available to the person committed under this chapter.

(c) In addition to the notice requirements of (a) and (b) of this subsection, the superintendent shall comply with RCW 10.77.163.



(d) The thirty-day notice requirement contained in (a) and (b) of this subsection shall not apply to emergency medical furloughs.




(e) The existence of the notice requirements in (a) and (b) of this subsection shall not require any extension of the release date in the event the release plan changes after notification.


(2) If a person who has been found not guilty of a sex, violent, or felony harassment offense by reason of insanity and who is committed under this chapter escapes, the superintendent shall immediately notify, by the most reasonable and expedient means available, the chief of police of the city and the sheriff of the county in which the person resided immediately before the person's arrest. If previously requested, the superintendent shall also notify the witnesses and the victim, if any, of the crime for which the person was committed or the victim's next of kin if the crime was a homicide. The superintendent shall also notify appropriate persons pursuant to RCW 10.77.165. If the person is recaptured, the secretary shall send notice to the persons designated in this subsection as soon as possible but in no event later than two working days after the department learns of such recapture.



(3) If the victim, the victim's next of kin, or any witness is under the age of sixteen, the notice required by this section shall be sent to the parents or legal guardian of the child.

(4) The department shall send the notices required by this chapter to the last address provided to the department by the requesting party. The requesting party shall furnish the department with a current address.

<p> Wash. Rev. Code Ann. § 10.77.205(5) defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p> <p> A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that victims must “request” the exercise of certain rights. Agencies should carefully maintain documentation of a victim’s request to exercise rights. Victims who wish to receive the type of notice identified here should be reminded, throughout their participation in the justice system, that their contact information must be kept current with relevant agencies.</p>	
<p>Victims’ Right to Be Heard Regarding Postconviction Release in Aggravated First Degree Murder Cases.</p> <p>(f) No later than one hundred eighty days prior to the expiration of the person’s minimum term [of imprisonment for aggravated first degree murder], the department of corrections shall conduct, and the offender shall participate in, an examination of the person, incorporating methodologies that are recognized by experts in the prediction of dangerousness, and including a prediction of the probability that the person will engage in future criminal behavior if released on conditions to be set by the board. The board may consider a person’s failure to participate in an evaluation under this subsection in determining whether to release the person. The board shall order the person released, under such affirmative and other conditions as the board determines appropriate, unless the board determines by a preponderance of the evidence that, despite such conditions, it is more likely than not that the person will commit new criminal law violations if released. If the board does not order the person released, the board shall set a new minimum term not to exceed five additional years. The board shall give public safety considerations the highest priority when making all discretionary decisions regarding the ability for release and conditions of release.</p>	<p>Wash. Rev. Code Ann. § 10.95.030(f)–(g).</p>

<p>(g) In a hearing conducted under (f) of this subsection, the board shall provide opportunities for victims and survivors of victims of any crimes for which the offender has been convicted to present statements as set forth in RCW 7.69.032. The procedures for victim and survivor of victim input shall be provided by rule. To facilitate victim and survivor of victim involvement, county prosecutor’s offices shall ensure that any victim impact statements and known contact information for victims of record and survivors of victims are forwarded as part of the judgment and sentence.</p> <p> Wash. Rev. Code Ann. § 7.69.032 affords victims the right to make a sentence before postsentence release. This statutory provision is included above.</p> <p> A promising practice is to have a policy and procedure in place that enables crime victims to easily keep their contact information up-to-date across agencies.</p>	
<p>Criminal Records Privacy Act: Declaration of Policy.</p> <p>The legislature declares that it is the policy of the state of Washington to provide for the completeness, accuracy, confidentiality, and security of criminal history record information and victim, witness, and complainant record information as defined in this chapter.</p> <p> Wash. Rev. Code Ann. § 10.97.030 defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p>	<p>Wash. Rev. Code Ann. § 10.87.010.</p>
<p>Criminal Records Privacy Act: Disclosure of Suspect’s Identity to Victim.</p> <p>(1) Criminal justice agencies may, in their discretion, disclose to persons who have suffered physical loss, property damage, or injury compensable through civil action, the identity of persons suspected as being responsible for such loss, damage, or injury together with such</p>	<p>Wash. Rev. Code Ann. § 10.97.070.</p>

<p>information as the agency reasonably believes may be of assistance to the victim in obtaining civil redress. Such disclosure may be made without regard to whether the suspected offender is an adult or a juvenile, whether charges have or have not been filed, or a prosecuting authority has declined to file a charge or a charge has been dismissed.</p> <p>(2) Unless the agency determines release would interfere with an ongoing criminal investigation, in any action brought pursuant to this chapter, criminal justice agencies shall disclose identifying information, including photographs of suspects, if the acts are alleged by the plaintiff or victim to be a violation of RCW 9A.50.020 [interference with health care facilities or providers].</p> <p>(3) The disclosure by a criminal justice agency of investigative information pursuant to subsection (1) of this section shall not establish a duty to disclose any additional information concerning the same incident or make any subsequent disclosure of investigative information, except to the extent an additional disclosure is compelled by legal process.</p> <p> Wash. Rev. Code Ann. § 10.97.030 defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p>	
<p>Criminal Records Privacy Act: Child Victims of Sexual Assaults; Confidentiality of Identifying Information.</p> <p>(1) Information revealing the specific details that describe the alleged or proven child victim of sexual assault under age eighteen, or the identity or contact information of an alleged or proven child victim under age eighteen is confidential and not subject to release to the press or public without the permission of the child victim and the child’s legal guardian. Identifying information includes the child victim’s name, addresses, location, photographs, and in cases in which the child victim is a relative, stepchild, or stepsibling of the alleged perpetrator, identification of the relationship between the child and the alleged perpetrator. Contact information includes phone numbers, email addresses, social media profiles, and user names and passwords. Contact information or information identifying the child victim</p>	<p>Wash. Rev. Code Ann. § 10.97.130.</p>

<p>of sexual assault may be released to law enforcement, prosecutors, judges, defense attorneys, or private or governmental agencies that provide services to the child victim of sexual assault. Prior to release of any criminal history record information, the releasing agency shall delete any contact information or information identifying a child victim of sexual assault from the information except as provided in this section.</p> <p>(2) This section does not apply to court documents or other materials admitted in open judicial proceedings.</p> <p> Wash. Rev. Code Ann. § 10.97.030 defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p>	
<p>Domestic Violence Official Response: Purpose; Intent.</p> <p>The purpose of this chapter is to recognize the importance of domestic violence as a serious crime against society and to assure the victim of domestic violence the maximum protection from abuse which the law and those who enforce the law can provide. The legislature finds that the existing criminal statutes are adequate to provide protection for victims of domestic violence. However, previous societal attitudes have been reflected in policies and practices of law enforcement agencies and prosecutors which have resulted in differing treatment of crimes occurring between cohabitants and of the same crimes occurring between strangers. Only recently has public perception of the serious consequences of domestic violence to society and to the victims led to the recognition of the necessity for early intervention by law enforcement agencies. It is the intent of the legislature that the official response to cases of domestic violence shall stress the enforcement of the laws to protect the victim and shall communicate the attitude that violent behavior is not excused or tolerated. Furthermore, it is the intent of the legislature that criminal laws be enforced without regard to whether the persons involved are or were married, cohabiting, or involved in a relationship.</p> <p> Wash. Rev. Code Ann. § 10.99.020 defines the terms used in this statutory provision.</p>	<p>Wash. Rev. Code Ann. § 10.99.010.</p>

<p>These definitions are included above in the section "Select Definitions."</p>	
<p>Domestic Violence Official Response: Law Enforcement Officers' Training, Powers, Duties; Domestic Violence Reports.</p> <p>(1) All training relating to the handling of domestic violence complaints by law enforcement officers shall stress enforcement of criminal laws in domestic situations, availability of community resources, and protection of the victim. Law enforcement agencies and community organizations with expertise in the issue of domestic violence shall cooperate in all aspects of such training.</p> <p>(2) The criminal justice training commission shall implement by January 1, 1997, a course of instruction for the training of law enforcement officers in Washington in the handling of domestic violence complaints. The basic law enforcement curriculum of the criminal justice training commission shall include at least twenty hours of basic training instruction on the law enforcement response to domestic violence. The course of instruction, the learning and performance objectives, and the standards for the training shall be developed by the commission and focus on enforcing the criminal laws, safety of the victim, and holding the perpetrator accountable for the violence. The curriculum shall include training on the extent and prevalence of domestic violence, the importance of criminal justice intervention, techniques for responding to incidents that minimize the likelihood of officer injury and that promote victim safety, investigation and interviewing skills, evidence gathering and report writing, assistance to and services for victims and children, understanding the risks of traumatic brain injury posed by domestic violence, verification and enforcement of court orders, liability, and any additional provisions that are necessary to carry out the intention of this subsection.</p> <p>(3) The criminal justice training commission shall develop and update annually an in-service training program to familiarize law enforcement officers with the domestic violence laws. The program shall include techniques for handling incidents of domestic violence that minimize the likelihood of injury to the officer and that promote the safety of all parties.</p>	<p>Wash. Rev. Code Ann. § 10.99.030.</p>

The commission shall make the training program available to all law enforcement agencies in the state.

(4) Development of the training in subsections (2) and (3) of this section shall be conducted in conjunction with agencies having a primary responsibility for serving victims of domestic violence with emergency shelter and other services, and representatives to the statewide organization providing training and education to these organizations and to the general public.

(5) The primary duty of peace officers, when responding to a domestic violence situation, is to enforce the laws allegedly violated and to protect the complaining party.

(6)(a) When a peace officer responds to a domestic violence call and has probable cause to believe that a crime has been committed, the peace officer shall exercise arrest powers with reference to the criteria in RCW 10.31.100. The officer shall notify the victim of the victim's right to initiate a criminal proceeding in all cases where the officer has not exercised arrest powers or decided to initiate criminal proceedings by citation or otherwise. The parties in such cases shall also be advised of the importance of preserving evidence.

(b) A peace officer responding to a domestic violence call shall take a complete offense report including the officer's disposition of the case.

(7) When a peace officer responds to a domestic violence call:

(a) The officer shall advise victims of all reasonable means to prevent further abuse, including advising each person of the availability of a shelter or other services in the community, and giving each person immediate notice of the legal rights and remedies available. The notice shall include handing each person a copy of the following statement: "IF YOU ARE THE VICTIM OF DOMESTIC VIOLENCE, you can ask the city or county prosecuting attorney to file a criminal complaint. You also have the right to file a petition in superior, district, or municipal court requesting an order for protection from domestic abuse which could include any of the following: (a) An order restraining your abuser from further acts of abuse; (b) an order directing your abuser to leave your household; (c) an order preventing your abuser from entering your residence, school, business, or place of

employment; (d) an order awarding you or the other parent custody of or visitation with your minor child or children; and (e) an order restraining your abuser from molesting or interfering with minor children in your custody. The forms you need to obtain a protection order are available in any municipal, district, or superior court.

Information about shelters and alternatives to domestic violence is available from a statewide twenty-four-hour toll-free hotline at (include appropriate phone number). The battered women's shelter and other resources in your area are (include local information)"; and

(b) The officer is encouraged to inform victims that information on traumatic brain injury can be found on the statewide web site developed under RCW 74.31.070.

(8) The peace officer may offer, arrange, or facilitate transportation for the victim to a hospital for treatment of injuries or to a place of safety or shelter.

(9) The law enforcement agency shall forward the offense report to the appropriate prosecutor within ten days of making such report if there is probable cause to believe that an offense has been committed, unless the case is under active investigation. Upon receiving the offense report, the prosecuting agency may, in its discretion, choose not to file the information as a domestic violence offense, if the offense was committed against a sibling, parent, stepparent, or grandparent.

(10) Each law enforcement agency shall make as soon as practicable a written record and shall maintain records of all incidents of domestic violence reported to it.

(11) Records kept pursuant to subsections (6) and (10) of this section shall be made identifiable by means of a departmental code for domestic violence.

(12) Commencing January 1, 1994, records of incidents of domestic violence shall be submitted, in accordance with procedures described in this subsection, to the Washington association of sheriffs and police chiefs by all law enforcement agencies. The Washington criminal justice training commission shall amend its contract for collection of statewide crime data with the Washington association of sheriffs and police chiefs:

(a) To include a table, in the annual report of crime in Washington produced by the Washington association of sheriffs and police chiefs pursuant to the contract, showing the total number of actual offenses and the number and percent of the offenses that are domestic violence incidents for the following crimes: (i) Criminal homicide, with subtotals for murder and nonnegligent homicide and manslaughter by negligence; (ii) forcible rape, with subtotals for rape by force and attempted forcible rape; (iii) robbery, with subtotals for firearm, knife or cutting instrument, or other dangerous weapon, and strongarm robbery; (iv) assault, with subtotals for firearm, knife or cutting instrument, other dangerous weapon, hands, feet, aggravated, and other nonaggravated assaults; (v) burglary, with subtotals for forcible entry, nonforcible unlawful entry, and attempted forcible entry; (vi) larceny theft, except motor vehicle theft; (vii) motor vehicle theft, with subtotals for autos, trucks and buses, and other vehicles; (viii) arson; and (ix) violations of the provisions of a protection order or no-contact order restraining the person from going onto the grounds of or entering a residence, workplace, school, or day care, provided that specific appropriations are subsequently made for the collection and compilation of data regarding violations of protection orders or no-contact orders;

(b) To require that the table shall continue to be prepared and contained in the annual report of crime in Washington until that time as comparable or more detailed information about domestic violence incidents is available through the Washington state incident based reporting system and the information is prepared and contained in the annual report of crime in Washington; and

(c) To require that, in consultation with interested persons, the Washington association of sheriffs and police chiefs prepare and disseminate procedures to all law enforcement agencies in the state as to how the agencies shall code and report domestic violence incidents to the Washington association of sheriffs and police chiefs.



Wash. Rev. Code Ann. § 10.99.020 defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”



A promising practice is to provide domestic violence victims with information regarding their rights as soon as possible, including the notice form described in this statutory



<p>provision. Consideration should be given to providing written notice in the primary language of the victim, as well as in a form accessible to those with vision impairment.</p>	
<p>Domestic Violence Official Response: Peace Officers' Powers and Duties.</p> <p>(1) The primary duty of peace officers, when responding to a domestic violence situation, is to enforce the laws allegedly violated and to protect the complaining party.</p> <p>(2)(a) When a peace officer responds to a domestic violence call and has probable cause to believe that a crime has been committed, the peace officer shall exercise arrest powers with reference to the criteria in RCW 10.31.100. The officer shall notify the victim of the victim's right to initiate a criminal proceeding in all cases where the officer has not exercised arrest powers or decided to initiate criminal proceedings by citation or otherwise. The parties in such cases shall also be advised of the importance of preserving evidence.</p> <p>(b) A peace officer responding to a domestic violence call shall take a complete offense report including the officer's disposition of the case.</p> <p>(3)(a) A peace officer who responds to a domestic violence call and has probable cause to believe that a crime has been committed shall:</p> <ul style="list-style-type: none"> (i) Seize all firearms and ammunition the peace officer has reasonable grounds to believe were used or threatened to be used in the commission of the offense; (ii) Seize all firearms in plain sight or discovered pursuant to a lawful search; and (iii) Request consent to take temporary custody of any other firearms and ammunition to which the alleged abuser has access until a judicial officer has heard the matter. <p>(b) The peace officer shall separate the parties and then inquire of the victim: (i) If there are any firearms or ammunition in the home that are owned or possessed by either party; (ii) if the alleged abuser has access to any other firearms located off-site; and (iii) whether the alleged abuser has an active concealed pistol license, so that there is a complete record for future court proceedings. The inquiry should make clear to the victim that the peace officer is not asking only about whether a firearm was used at the time of the incident but also under other circumstances, such as whether the alleged abuser has kept a firearm in plain sight in</p>	<p>Wash. Rev. Code Ann. § 10.99.030.</p>




a manner that is coercive, has threatened use of firearms in the past, or has additional firearms in a vehicle or other location. Law enforcement personnel may use a pictorial display of common firearms to assist the victim in identifying firearms.

(c) The peace officer shall document all information about firearms and concealed pistol licenses in the incident report. The incident report must be coded to indicate the presence of or access to firearms so that personal recognizance screeners, prosecutors, and judicial officers address the heightened risk to victim, family, and peace officer safety due to the alleged abuser's access to firearms.

(d) A law enforcement agency shall comply with the provisions of RCW 9.41.340 and 9.41.345 before the return of any firearm or ammunition seized under this subsection to the owner or individual from who the firearm or ammunition was obtained.

(4) When a peace officer responds to a domestic violence call, the officer shall advise victims of all reasonable means to prevent further abuse, including advising each person of the availability of a shelter or other services in the community, and giving each person immediate notice of the legal rights and remedies available. The notice shall include handing each person a copy of the following statement:
 "IF YOU ARE THE VICTIM OF DOMESTIC VIOLENCE, you can ask the city or county prosecuting attorney to file a criminal complaint. You also have the right to file a petition in superior, district, or municipal court requesting an order for protection from domestic abuse which could include any of the following: (a) An order restraining your abuser from further acts of abuse; (b) an order directing your abuser to leave your household; (c) an order preventing your abuser from entering your residence, school, business, or place of employment; (d) an order awarding you or the other parent custody of or visitation with your minor child or children; (e) an order restraining your abuser from molesting or interfering with minor children in your custody; and (f) an order requiring your abuser to turn in any firearms and concealed pistol license in the abuser's possession or control to law enforcement and prohibiting the abuser from possessing or accessing firearms or a concealed pistol license for the duration of the civil order. The forms you need to obtain a protection order are available in any municipal, district, or superior court.

<p>Information about shelters and alternatives to domestic violence is available from a statewide twenty-four-hour toll-free hotline at (include appropriate phone number). The battered women’s shelter and other resources in your area are (include local information)”</p> <p>(5) The peace officer may offer, arrange, or facilitate transportation for the victim to a hospital for treatment of injuries or to a place of safety or shelter.</p> <p>(6) An appointed or elected public official, public employee, or public agency as defined in RCW 4.24.470, or units of local government and its employees, as provided in RCW 36.28A.010, are immune from civil liability for damages arising out of the seizure or lack of seizure of a firearm, unless it is shown that the official, employee, or agency acted with gross negligence or in bad faith.</p> <p> Wash. Rev. Code Ann. § 10.99.020 defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p> <p> A promising practice is to provide domestic violence victims with information regarding their rights as soon as possible, including the notice form described in this statutory provision. Consideration should be given to providing written notice in the primary language of the victim, as well as in a form accessible to those with vision impairment.</p>	
<p>Domestic Violence Official Response: Prosecutor’s Duty to Notify Victims of Decision Whether or Not to Prosecute and Provide Victims with Information Regarding Case Status.</p> <p>The public attorney responsible for making the decision whether or not to prosecute shall advise the victim of that decision within five days, and, prior to making that decision shall advise the victim, upon the victim’s request, of the status of the case. Notification to the victim that charges will not be filed shall include a description of the procedures available to the victim in that jurisdiction to initiate a criminal proceeding.</p>	<p>Wash. Rev. Code Ann. § 10.99.060.</p>

<p> Wash. Rev. Code Ann. § 10.99.020 defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p> <p> A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that victims must “request” the exercise of certain rights. Agencies should carefully maintain documentation of a victim’s request to exercise rights.</p>	
<p>Restrictions on Dissemination of Child Forensic Interview Recordings.</p> <p>The legislature recognizes an inherent privacy interest that a child has with respect to the child’s recorded voice and image when describing the highly sensitive details of abuse or neglect upon the child as defined in RCW 26.44.020. The legislature further finds that reasonable restrictions on the dissemination of these recordings can accommodate both privacy interests and due process. To that end, the legislature intends to exempt these recordings from dissemination under the public records act and provide additional sanction authority for violations of protective orders that set forth such terms and conditions as are necessary to protect the privacy of the child.</p> <p> Wash. Rev. Code Ann. § 26.44.187 provides that any and all audio and video recording of child forensic interviews are confidential and exempt from disclosure under the state’s public records law. Disclosure may be permissible upon notice to the victim and a court order.</p>	<p>Wash. Rev. Code Ann. § 26.44.188.</p>


<p>Disclosure of Information Regarding Name and Location of Domestic Violence Program.</p> <p>(1)(a) No court or administrative body may compel any person or domestic violence program as defined in RCW 70.123.020 to disclose the name, address, or location of any domestic violence program, including a shelter or transitional housing facility location, in any civil or criminal case or in any administrative proceeding unless the court finds by clear and convincing evidence that disclosure is necessary for the implementation of justice after consideration of safety and confidentiality concerns of the parties and other residents of the domestic violence program, and other alternatives to disclosure that would protect the interests of the parties.</p> <p>(b) The court's findings shall be made following a hearing in which the domestic violence program has been provided notice of the request for disclosure and an opportunity to respond.</p> <p>(2) In any proceeding where the confidential name, address, or location of a domestic violence program is ordered to be disclosed, the court shall order that the parties be prohibited from further dissemination of the confidential information, and that any portion of any records containing such confidential information be sealed.</p> <p>(3) Any person who obtains access to and intentionally and maliciously releases confidential information about the location of a domestic violence program for any purpose other than required by a court proceeding is guilty of a gross misdemeanor.</p>	<p>Wash. Rev. Code Ann. § 26.50.250.</p>
<p>Victims' Rights Regarding Petitions for Felony Resentencing: Notice; Access to Victim Advocates and Services; to Be Heard.</p> <p>(1) The prosecutor of a county in which an offender was sentenced for a felony offense may petition the sentencing court or the sentencing court's successor to resentence the offender if the original sentence no longer advances the interests of justice.</p>	<p>Wash. Rev. Code Ann. § 36.27.130.</p>

(2) The court may grant or deny a petition under this section. If the court grants a petition, the court shall resentence the defendant in the same manner as if the offender had not previously been sentenced, provided the new sentence, if any, is no greater than the initial sentence.

(3) The court may consider postconviction factors including, but not limited to, the inmate's disciplinary record and record of rehabilitation while incarcerated; evidence that reflects whether age, time served, and diminished physical condition, if any, have reduced the inmate's risk for future violence; and evidence that reflects changed circumstances since the inmate's original sentencing such that the inmate's continued incarceration no longer serves the interests of justice. Credit shall be given for time served.


(4) The prosecuting attorney shall make reasonable efforts to notify victims and survivors of victims of the petition for resentencing and the date of the resentencing hearing. The prosecuting attorney shall provide victims and survivors of victims access to available victim advocates and other related services. The court shall provide an opportunity for victims and survivors of victims of any crimes for which the offender has been convicted to present a statement personally or by representation. The prosecuting attorney and the court shall comply with the requirements set forth in chapter 7.69 RCW.


(5) A resentencing under this section shall not reopen the defendant's conviction to challenges that would otherwise be barred.

 A promising practice is to have a policy and procedure setting forth what constitutes "reasonable efforts" to notify victims of the petition for resentencing and the date of the resentencing hearing.

Address Confidentiality Program: Findings and Purpose.

The legislature finds that persons attempting to escape from actual or threatened domestic violence, sexual assault, trafficking, or stalking frequently establish new addresses in order to prevent their assailants or probable assailants from finding them. The purpose of this chapter is to enable state and local agencies to respond to requests for public records without disclosing the location of a victim of domestic violence, sexual assault, trafficking, or stalking, to enable interagency cooperation with the secretary of state in providing address confidentiality for victims of domestic violence, sexual assault, trafficking, or stalking, and to enable state and local agencies to accept a program participant's use of an address designated by the secretary of state as a substitute mailing address. The legislature further intends to provide assistance to program participants who own or desire to own property in the state to protect such ownership from public disclosure.

 For additional information about Washington's address confidentiality program, *see* Wash. Rev. Code Ann. § 40.24.030 (application, certification, form); *id.* at § 40.24.40 (certification cancellation); *id.* at § 40.24.050 (agency use of designated address); *id.* at § 40.24.060 (voting by program participant); *id.* at § 40.24.070 (disclosure of records prohibited); *id.* at § 40.24.075 (court order for participant information); *id.* at § 40.24.080 (assistance for program applicants); *id.* at § 40.24.090 (adoption of rules); *id.* at § 40.24.100 (property ownership); *id.* at § 40.24.110 (disclosure of name, address or vehicle/vessel information). Some of these statutory provisions are included below.

 Wash. Rev. Code Ann. § 40.24.020 defines the terms used in this statutory provision. These definitions are included above in the section "Select Definitions."

Wash. Rev. Code Ann. § 40.24.010.

<p>Address Confidentiality Program: Application; Certification; Form; Vehicle/Vessel Information.</p> <p>(1)(a) An adult person, a parent or guardian acting on behalf of a minor, or a guardian acting on behalf of an incapacitated person, as defined in *RCW 11.88.010, and (b) any criminal justice participant as defined in RCW 9A.46.020 who is a target for threats or harassment prohibited under RCW 9A.46.020(2)(b) (iii) or (iv), and any family members residing with him or her, may apply to the secretary of state to have an address designated by the secretary of state serve as the person's address or the address of the minor or incapacitated person. The secretary of state shall approve an application if it is filed in the manner and on the form prescribed by the secretary of state and if it contains:</p> <ul style="list-style-type: none"> (i) A sworn statement, under penalty of perjury, by the applicant that the applicant has good reason to believe (A) that the applicant, or the minor or incapacitated person on whose behalf the application is made, is a victim of domestic violence, sexual assault, trafficking, or stalking and that the applicant fears for his or her safety or his or her children's safety, or the safety of the minor or incapacitated person on whose behalf the application is made; or (B) that the applicant, as a criminal justice participant as defined in RCW 9A.46.020, is a target for threats or harassment prohibited under RCW 9A.46.020(2)(b) (iii) or (iv); (ii) If applicable, a sworn statement, under penalty of perjury, by the applicant, that the applicant has reason to believe they are a victim of (A) domestic violence, sexual assault, or stalking perpetrated by an employee of a law enforcement agency, or (B) threats or harassment prohibited under RCW 9A.46.020(2)(b) (iii) or (iv); (iii) A designation of the secretary of state as agent for purposes of service of process and for the purpose of receipt of mail; (iv) The residential address and any telephone number where the applicant can be contacted by the secretary of state, which shall not be disclosed because disclosure will increase the risk of (A) domestic violence, sexual assault, trafficking, or stalking, or (B) threats or harassment prohibited under RCW 9A.46.020(2)(b) (iii) or (iv); (v) The signature of the applicant and of any individual or representative of any office designated in writing under RCW 40.24.080 who assisted in the preparation of the application, and the date on which the applicant signed the application. 	<p>Wash. Rev. Code Ann. § 40.24.030.</p>
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(2) Applications shall be filed with the office of the secretary of state.

(3) Upon filing a properly completed application, the secretary of state shall certify the applicant as a program participant. Applicants shall be certified for four years following the date of filing unless the certification is withdrawn or invalidated before that date. The secretary of state shall by rule establish a renewal procedure.

(4)(a) During the application process, the secretary of state shall provide each applicant a form to direct the department of licensing to change the address of registration for vehicles or vessels solely or jointly registered to the applicant and the address associated with the applicant's driver's license or identicard to the applicant's address as designated by the secretary of state upon certification in the program. The directive to the department of licensing is only valid if signed by the applicant. The directive may only include information required by the department of licensing to verify the applicant's identity and ownership information for vehicles and vessels. This information is limited to the:



- (i) Applicant's full legal name;
- (ii) Applicant's Washington driver's license or identicard number;
- (iii) Applicant's date of birth;
- (iv) Vehicle identification number and license plate number for each vehicle solely or jointly registered to the applicant; and
- (v) Hull identification number or vessel document number and vessel decal number for each vessel solely or jointly registered to the applicant.



(b) Upon certification of the applicants, the secretary of state shall transmit completed and signed directives to the department of licensing.

(c) Within thirty days of receiving a completed and signed directive, the department of licensing shall update the applicant's address on registration and licensing records.

(d) Applicants are not required to sign the directive to the department of licensing to be certified as a program participant.

(5) A person who knowingly provides false or incorrect information upon making an application or falsely attests in an application that disclosure of the applicant's address would endanger (a) the applicant's safety or the safety of the applicant's children or the minor or incapacitated person on whose behalf the application is made, or (b) the safety of any criminal justice participant as defined in RCW 9A.46.020 who is a target for threats or harassment prohibited under RCW 9A.46.020(2)(b) (iii) or (iv), or any family members

<p>residing with him or her, shall be punished under RCW 40.16.030 or other applicable statutes.</p> <p>*Reviser’s note: RCW 11.88.010 was repealed by 2020 c 312 § 904, effective January 1, 2022.</p> <p> For additional information on Washington’s address confidentiality program, <i>see</i> Wash. Rev. Code Ann. § 40.24.010 (findings, purpose); <i>id.</i> at § 40.24.40 (certification cancellation); <i>id.</i> at § 40.24.050 (agency use of designated address); <i>id.</i> at § 40.24.060 (voting by program participant); <i>id.</i> at § 40.24.070 (disclosure of records prohibited); <i>id.</i> at § 40.24.075 (court order for participant information); <i>id.</i> at § 40.24.080 (assistance for program applicants); <i>id.</i> at § 40.24.090 (adoption of rules); <i>id.</i> at § 40.24.100 (property ownership); <i>id.</i> at § 40.24.110 (disclosure of name, address or vehicle/vessel information). Some of these statutory provisions are included below.</p> <p> Wash. Rev. Code Ann. § 40.24.020 defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p>	
<p>Address Confidentiality Program: Agency Use of Designated Address.</p> <p>(1) A program participant may request that state and local agencies use the address designated by the secretary of state as his or her address. When creating a new public record, state and local agencies shall accept the address designated by the secretary of state as a program participant’s substitute address, unless the secretary of state has determined that:</p> <ul style="list-style-type: none"> (a) The agency has a bona fide statutory or administrative requirement for the use of the address which would otherwise be confidential under this chapter; and (b) This address will be used only for those statutory and administrative purposes. <p>(2) A program participant may use the address designated by the secretary of state as his or her work address.</p>	<p>Wash. Rev. Code Ann. § 40.24.050.</p>

<p>(3) The office of the secretary of state shall forward all first-class mail to the appropriate program participants.</p> <p> For additional information on Washington’s address confidentiality program, <i>see</i> Wash. Rev. Code Ann. § 40.24.010 (findings, purpose); <i>id.</i> at § 40.24.40 (certification cancellation); <i>id.</i> at § 40.24.050 (agency use of designated address); <i>id.</i> at § 40.24.060 (voting by program participant); <i>id.</i> at § 40.24.070 (disclosure of records prohibited); <i>id.</i> at § 40.24.075 (court order for participant information); <i>id.</i> at § 40.24.080 (assistance for program applicants); <i>id.</i> at § 40.24.090 (adoption of rules); <i>id.</i> at § 40.24.100 (property ownership); <i>id.</i> at § 40.24.110 (disclosure of name, address or vehicle/vessel information). Some of these statutory provisions are included below.</p> <p> Wash. Rev. Code Ann. § 40.24.020 defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p>	
<p>Domestic Violence, Sexual Assault and Stalking Leave: Findings.</p> <p>(1) It is in the public interest to reduce domestic violence, sexual assault, and stalking by enabling victims to maintain the financial independence necessary to leave abusive situations, achieve safety, and minimize physical and emotional injuries, and to reduce the devastating economic consequences of domestic violence, sexual assault, and stalking to employers and employees. Victims of domestic violence, sexual assault, and stalking should be able to recover from and cope with the effects of such violence and participate in criminal and civil justice processes without fear of adverse economic consequences. Victims of domestic violence, sexual assault, or stalking should also be able to seek and maintain employment without fear that they will face discrimination.</p> <p>(2) One of the best predictors of whether a victim of domestic violence, sexual assault, or stalking will be able to stay away from an abuser is his or her degree of economic</p>	<p>Wash. Rev. Code Ann. § 49.76.010.</p>

independence. However, domestic violence, sexual assault, and stalking often negatively impact victims' ability to maintain employment.

(3) An employee who is a victim of domestic violence, sexual assault, or stalking, or an employee whose family member is a victim, must often take leave from work due to injuries, court proceedings, or safety concerns requiring legal protection.

(4) Thus, it is in the public interest to provide reasonable leave from employment for employees who are victims of domestic violence, sexual assault, or stalking, or for employees whose family members are victims, to participate in legal proceedings, receive medical treatment, or obtain other necessary services.

(5) It is also in the public interest to ensure that victims of domestic violence, sexual assault, or stalking are able to seek and maintain employment without fear of discrimination and to have reasonable safety accommodations in the workplace.




Wash. Rev. Code Ann. § 7.69.030(8) affords victims the right “to be provided with appropriate employer intercession services to ensure that employers of victims, survivors of victims, and witnesses of crime will cooperate with the criminal justice process in order to minimize an employee’s loss of pay and other benefits resulting from court appearance.” This statutory provision is included above.




Wash. Rev. Code Ann. § 49.76.020 defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”



A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, of their employment-related rights and to provide employers with this information.

<p>Domestic Violence, Sexual Assault and Stalking Leave: Purpose.</p> <p>An employee may take reasonable leave from work, intermittent leave, or leave on a reduced leave schedule, with or without pay, to:</p> <p>(1) Seek legal or law enforcement assistance or remedies to ensure the health and safety of the employee or employee’s family members including, but not limited to, preparing for, or participating in, any civil or criminal legal proceeding related to or derived from domestic violence, sexual assault, or stalking;</p> <p>(2) Seek treatment by a health care provider for physical or mental injuries caused by domestic violence, sexual assault, or stalking, or to attend to health care treatment for a victim who is the employee’s family member;</p> <p>(3) Obtain, or assist a family member in obtaining, services from a domestic violence shelter, rape crisis center, or other social services program for relief from domestic violence, sexual assault, or stalking;</p> <p>(4) Obtain, or assist a family member in obtaining, mental health counseling related to an incident of domestic violence, sexual assault, or stalking, in which the employee or the employee’s family member was a victim of domestic violence, sexual assault, or stalking; or</p> <p>(5) Participate in safety planning, temporarily or permanently relocate, or take other actions to increase the safety of the employee or employee’s family members from future domestic violence, sexual assault, or stalking.</p> <p> Wash. Rev. Code Ann. § 49.76.020 defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p>	<p>Wash. Rev. Code Ann. § 49.76.010.</p>
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 <p>A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, of their employment-related rights and to provide employers with this information.</p>	
<p>Domestic Violence, Sexual Assault and Stalking Leave: Documentation of Leave; Notice of Purpose; Confidentiality.</p> <p>(1) As a condition of taking leave for any purpose described in RCW 49.76.030, an employee shall give an employer advance notice of the employee’s intention to take leave. The timing of the notice shall be consistent with the employer’s stated policy for requesting such leave, if the employer has such a policy. When advance notice cannot be given because of an emergency or unforeseen circumstances due to domestic violence, sexual assault, or stalking, the employee or his or her designee must give notice to the employer no later than the end of the first day that the employee takes such leave.</p> <p>(2) When an employee requests leave under RCW 49.76.030 or requests a reasonable safety accommodation under RCW 49.76.115 the employer may require that the request be supported by verification that:</p> <p>(a) The employee or employee’s family member is a victim of domestic violence, sexual assault, or stalking; and</p> <p>(b) The leave taken was for one of the purposes described in RCW 49.76.030 or that the safety accommodation requested under RCW 49.76.115 is for the purpose of protecting the employee from domestic violence, sexual assault, or stalking.</p> <p>(3) If an employer requires verification, verification must be provided in a timely manner. In the event that advance notice of the leave cannot be given because of an emergency or unforeseen circumstances due to domestic violence, sexual assault, or stalking, and the employer requires verification, verification must be provided to the employer within a reasonable time period during or after the leave.</p>	<p>Wash. Rev. Code Ann. § 49.76.040.</p>

- (4) An employee may satisfy the verification requirement of this section by providing the employer with one or more of the following:
- (a) A police report indicating that the employee or employee's family member was a victim of domestic violence, sexual assault, or stalking;
 - (b) A court order protecting or separating the employee or employee's family member from the perpetrator of the act of domestic violence, sexual assault, or stalking, or other evidence from the court or the prosecuting attorney that the employee or employee's family member appeared, or is scheduled to appear, in court in connection with an incident of domestic violence, sexual assault, or stalking;
 - (c) Documentation that the employee or the employee's family member is a victim of domestic violence, sexual assault, or stalking, from any of the following persons from whom the employee or employee's family member sought assistance in addressing the domestic violence, sexual assault, or stalking: An advocate for victims of domestic violence, sexual assault, or stalking; an attorney; a member of the clergy; or a medical or other professional. The provision of documentation under this section does not waive or diminish the confidential or privileged nature of communications between a victim of domestic violence, sexual assault, or stalking with one or more of the individuals named in this subsection (4)(c) pursuant to RCW 5.60.060, 70.123.075, 70.123.076, or 70.125.065; or
 - (d) An employee's written statement that the employee or the employee's family member is a victim of domestic violence, sexual assault, or stalking and that the leave taken was for one of the purposes described in RCW 49.76.030 or the safety accommodation requested pursuant to RCW 49.76.115 is to protect the employee from domestic violence, sexual assault, or stalking.
- (5) If the victim of domestic violence, sexual assault, or stalking is the employee's family member, verification of the familial relationship between the employee and the victim may include, but is not limited to, a statement from the employee, a birth certificate, a court document, or other similar documentation.
- (6) An employee who is absent from work pursuant to RCW 49.76.030 may elect to use the employee's sick leave and other paid time off, compensatory time, or unpaid leave time.

(7) An employee is required to provide only the information enumerated in subsection (2) of this section to establish that the employee's leave is protected under this chapter or to establish that the employee's request for a safety accommodation is protected under this chapter. An employee is not required to produce or discuss any information with the employer that is beyond the scope of subsection (2) of this section, or that would compromise the employee's safety or the safety of the employee's family member in any way, and an employer is prohibited from requiring any such disclosure.

(8)(a) Except as provided in (b) of this subsection, an employer shall maintain the confidentiality of all information provided by the employee under this section, including the fact that the employee or employee's family member is a victim of domestic violence, sexual assault, or stalking, that the employee has requested or obtained leave under this chapter, and any written or oral statement, documentation, record, or corroborating evidence provided by the employee.

(b) Information given by an employee may be disclosed by an employer only if:


- (i) Requested or consented to by the employee;
- (ii) Ordered by a court or administrative agency; or
- (iii) Otherwise required by applicable federal or state law.










Wash. Rev. Code Ann. § 49.76.020 defines the terms used in this statutory provision. These definitions are included above in the section "Select Definitions."



A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, of their employment-related rights and to provide employers with this information.

<p>Domestic Violence, Sexual Assault and Stalking Leave: Retention of Pay or Benefits; Exceptions; Health Coverage.</p> <p>(1) The taking of leave under RCW 49.76.030 may not result in the loss of any pay or benefits to the employee that accrued before the date on which the leave commenced.</p> <p>(2) Upon an employee's return, an employer shall either:</p> <p>(a) Restore the employee to the position of employment held by the employee when the leave commenced; or</p> <p>(b) Restore the employee to an equivalent position with equivalent employment benefits, pay, and other terms and conditions of employment.</p> <p>(3)(a) This section does not apply if the employment from which the individual takes leave is with a staffing company and the individual is assigned on a temporary basis to perform work at or services for another organization to support or supplement the other organization's workforces, or to provide assistance in special work situations such as, but not limited to, employee absences, skill shortages, seasonal workloads, or to perform special assignments or projects, all under the direction and supervision of the organization to which the individual is assigned.</p> <p>(b) This section does not apply if an employee was hired for a specific term or only to perform work on a discrete project, the employment term or project is over, and the employer would not otherwise have continued to employ the employee.</p> <p>(4) To the extent allowed by law, an employer shall maintain coverage under any health insurance plan for an employee who takes leave under RCW 49.76.030. The coverage must be maintained for the duration of the leave at the level and under the conditions coverage would have been provided if the employee had not taken the leave</p> <p> Wash. Rev. Code Ann. § 49.76.020 defines the terms used in this statutory provision. These definitions are included above in the section "Select Definitions."</p>	<p>Wash. Rev. Code Ann. § 49.76.050.</p>
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<p> A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, of their employment-related rights and to provide employers with this information.</p>	
<p>Domestic Violence, Sexual Assault and Stalking Leave: Scope; Application; Expansion of Rights.</p> <p>(1) The rights provided in this chapter are in addition to any other rights provided by state and federal law.</p> <p>(2) Nothing in this chapter shall be construed to discourage employers from adopting policies that provide greater leave rights or greater safety accommodations to employees who are victims of domestic violence, sexual assault, or stalking than those required by this chapter.</p> <p>(3) Nothing in this chapter shall be construed to diminish an employer’s obligation to comply with any collective bargaining agreement, or any employment benefit program or plan, that provides greater leave rights or greater safety accommodations to employees than the rights provided by this chapter.</p> <p> Wash. Rev. Code Ann. § 7.69.030(8) affords victims the right “to be provided with appropriate employer intercession services to ensure that employers of victims, survivors of victims, and witnesses of crime will cooperate with the criminal justice process in order to minimize an employee’s loss of pay and other benefits resulting from court appearance.” This statutory provision is included above.</p> <p> Wash. Rev. Code Ann. § 49.76.020 defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p> <p> A promising practice is to have a policy and procedure in place to notify victims, at the</p>	<p>Wash. Rev. Code Ann. § 49.76.060.</p>

<p>first opportunity, of their employment-related rights and to provide employers with this information.</p>	
<p>Domestic Violence, Sexual Assault and Stalking Leave: Enforcement; Confidentiality.</p> <p>(1) Except as provided in subsection (2) of this section, information contained in the department’s complaint files and records of employees under this chapter is confidential and shall not be open to public inspection.</p> <p>(2) Except as limited by state or federal statute or regulations:</p> <p>(a) The information in subsection (1) of this section may be provided to public employees in the performance of their official duties; and</p> <p>(b) A complainant or a representative of a complainant, be it an individual or an organization, may review a complaint file or receive specific information therefrom upon the presentation of the signed authorization of the complainant.</p> <p> For additional information regarding enforcement of Washington’s statute regarding leave for victims of domestic violence, sexual assault and stalking, <i>see</i> Wash. Rev. Code Ann. § 49.76.070 (complaint, investigation, notice of infraction); <i>id.</i> at § 49.76.80 (penalty for infraction); <i>id.</i> at § 49.76.100 (remedies, civil actions).</p> <p> Wash. Rev. Code Ann. § 49.76.020 defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p> <p> A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, of their employment-related rights and to provide employers with this information.</p>	<p>Wash. Rev. Code Ann. § 49.76.090.</p>

Domestic Violence, Sexual Assault and Stalking Leave: Employer Conduct; Actual or Perceived Victim of Domestic Violence, Sexual Assault and Stalking.

Wash. Rev. Code Ann. § 49.76.115.

An employer may not:



- (1) Refuse to hire an otherwise qualified individual because the individual is an actual or perceived victim of domestic violence, sexual assault, or stalking;
- (2) Discharge, threaten to discharge, demote, suspend or in any manner discriminate or retaliate against an individual with regard to promotion, compensation, or other terms, conditions, or privileges of employment because the individual is an actual or perceived victim of domestic violence, sexual assault, or stalking;
- (3) Refuse to make a reasonable safety accommodation requested by an individual who is a victim of domestic violence, sexual assault, or stalking, unless the employer can demonstrate that the accommodation would impose an undue hardship on the operation of the business of the employer. For the purposes of this section, an “undue hardship” means an action requiring significant difficulty or expense. A reasonable safety accommodation may include, but is not limited to, a transfer, reassignment, modified schedule, changed work telephone number, changed work email address, changed workstation, installed lock, implemented safety procedure, or any other adjustment to a job structure, workplace facility, or work requirement in response to actual or threatened domestic violence, sexual assault, or stalking.





Wash. Rev. Code Ann. § 49.76.020 defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”




A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, of their employment-related rights and to provide employers with this information.

<p>Domestic Violence, Sexual Assault and Stalking Leave: Retaliation Against Employee-Victim.</p> <p>No employer may discharge, threaten to discharge, demote, deny a promotion to, sanction, discipline, retaliate against, harass, or otherwise discriminate against an employee with respect to compensation, terms, conditions, or privileges of employment because the employee:</p> <p>(1) Exercised rights under RCW 49.76.030 or 49.76.115;</p> <p>(2) Filed or communicated to the employer an intent to file a complaint under RCW 49.76.070 or 49.76.100; or</p> <p>(3) Participated or assisted, as a witness or otherwise, in another employee’s attempt to exercise rights under RCW 49.76.030, 49.76.115, 49.76.070, or 49.76.100.</p> <p> Wash. Rev. Code Ann. § 49.76.020 defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p> <p> A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, of their employment-related rights and to provide employers with this information.</p>	<p>Wash. Rev. Code Ann. § 49.76.120.</p>
<p>Domestic Violence, Sexual Assault and Stalking Leave: Notice to Victim-Employees from Prosecutors and Victim/Witness Offices.</p> <p>Prosecuting attorney and victim/witness offices are encouraged to make information regarding this chapter available for distribution at their offices.</p>	<p>Wash. Rev. Code Ann. § 49.76.140.</p>

 <p>A promising practice is to have a policy and procedure in place to provide victims with information regarding their right to leave from work under Wash. Rev. Code Ann. §§ 49.76.010 through 49.76.150. Consideration should be given to providing this information in the primary language of the victim, as well as in a form accessible to those with vision impairment</p>	
<p>Shelters for Victims of Domestic Violence: Legislative Findings.</p> <p>(1) The legislature finds that domestic violence is an issue of serious concern at all levels of society and government and that there is a pressing need for innovative strategies to address and prevent domestic violence and to strengthen services which will ameliorate and reduce the trauma of domestic violence and enhance survivors' resiliency and autonomy.</p> <p>(2) The legislature finds that there are a wide range of consequences to domestic violence, including deaths, injuries, hospitalizations, homelessness, employment problems, property damage, and lifelong physical and psychological impacts on victims and their children. These impacts also affect victims' friends and families, neighbors, employers, landlords, law enforcement, the courts, the health care system, and Washington state and society as a whole. Advocacy and shelters for victims of domestic violence are essential to provide support to victims in preventing further abuse and to help victims assess and plan for their immediate and longer term safety, including finding long-range alternative living situations, if requested.</p> <p>(3) Thus, it is the intent of the legislature to:</p> <ul style="list-style-type: none"> (a) Provide for a statewide network of supportive services, emergency shelter services, and advocacy for victims of domestic violence and their dependents; (b) Provide for culturally relevant and appropriate services for victims of domestic violence and their children from populations that have been traditionally unserved or underserved; (c) Provide for a statewide domestic violence information and referral resource; 	<p>Wash. Rev. Code Ann. § 70.123.070.</p>

<p>(d) Assist communities in efforts to increase public awareness about, and primary and secondary prevention of domestic violence;</p> <p>(e) Provide for the collection, analysis, and dissemination of current information related to emerging issues and model and promising practices related to preventing and intervening in situations involving domestic violence; and</p> <p>(f) Provide for ongoing training and technical assistance for individuals working with victims in community-based domestic violence programs and other persons seeking such training and technical assistance.</p> <p> Wash. Rev. Code Ann. § 70.13.020 defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p>	
<p>Shelters for Victims of Domestic Violence: Duties and Responsibilities of Community-Based Domestic Violence Programs And Emergency Shelter Programs.</p> <p>(1) Community-based domestic violence programs receiving state funds under this chapter shall:</p> <p>(a) Provide a location to assist victims of domestic violence who have a need for community advocacy or support services;</p> <p>(b) Make available confidential services, advocacy, and prevention programs to victims of domestic violence and to their children within available resources;</p> <p>(c) Require that persons employed by or volunteering services for a community-based domestic violence program protect the confidentiality and privacy of domestic violence victims and their families in accordance with this chapter and RCW 5.60.060(8);</p> <p>(d) Recruit, to the extent feasible, persons who are former victims of domestic violence to work as volunteers or staff personnel. An effort shall also be made to recruit staff and volunteers from relevant communities to provide culturally and linguistically appropriate services;</p> <p>(e) Ensure that all employees or volunteers providing intervention or prevention programming to domestic violence victims or their children have completed or will complete sufficient training in connection with domestic violence; and</p>	<p>Wash. Rev. Code Ann. § 70.123.070.</p>

<p>(f) Refrain from engaging in activities that compromise the safety of victims or their children.</p> <p>(2) Emergency shelter programs receiving state funds under this chapter shall:</p> <p>(a) Provide intake for and access to safe shelter services to any person who is a victim of domestic violence and to that person’s children, within available resources. Priority for emergency shelter shall be made for victims who are in immediate risk of harm or imminent danger from domestic violence;</p> <p>(b) Require that persons employed by or volunteering services for an emergency shelter protect the confidentiality and privacy of domestic violence victims and their families in accordance with this chapter and RCW 5.60.060(8);</p> <p>(c) Recruit, to the extent feasible, persons who are former victims of domestic violence to work as volunteers or staff personnel. An effort shall also be made to recruit staff and volunteers from relevant communities to provide culturally and linguistically appropriate services;</p> <p>(d) Ensure that all employees or volunteers providing intervention or prevention programming to domestic violence victims or their children have completed or will complete sufficient training in connection with domestic violence; and</p> <p>(e) Refrain from engaging in activities that compromise the safety of victims or their children.</p> <p> Wash. Rev. Code Ann. § 70.13.020 defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p>	
<p>Shelters for Victims of Domestic Violence: Client Records Not Subject to Discovery; Exceptions.</p> <p>(1) Client records maintained by domestic violence programs shall not be subject to discovery in any judicial proceeding unless:</p> <p>(a) A written pretrial motion is made to a court stating that discovery is requested of the client’s domestic violence records;</p>	<p>Wash. Rev. Code Ann. § 70.123.075.</p>

(b) The written motion is accompanied by an affidavit or affidavits setting forth specifically the reasons why discovery is requested of the domestic violence program's records;

(c) The court reviews the domestic violence program's records in camera to determine whether the domestic violence program's records are relevant and whether the probative value of the records is outweighed by the victim's privacy interest in the confidentiality of such records, taking into account the further trauma that may be inflicted upon the victim or the victim's children by the disclosure of the records; and

(d) The court enters an order stating whether the records or any part of the records are discoverable and setting forth the basis for the court's findings. The court shall further order that the parties are prohibited from further dissemination of the records or parts of the records that are discoverable, and that any portion of any domestic violence program records included in the court file be sealed.

(2) For purposes of this section, "domestic violence program" means a program that provides shelter, advocacy, or counseling services for domestic violence victims.

(3) Disclosure of domestic violence program records is not a waiver of the victim's rights or privileges under statutes, rules of evidence, or common law.


(4) If disclosure of a victim's records is required by court order, the domestic violence program shall make reasonable attempts to provide notice to the recipient affected by the disclosure, and shall take steps necessary to protect the privacy and safety of the persons affected by the disclosure of the information.







Wash. Rev. Code Ann. § 70.13.020 defines the terms used in this statutory provision. These definitions are included above in the section "Select Definitions."





A promising practice is to have a policy and procedure setting forth what constitutes a "reasonable attempt" to notify victims that disclosure of their records has been ordered.

<p>Shelters for Victims of Domestic Violence: Assistance to Families in Shelters.</p> <p>Aged, blind, or disabled assistance benefits, essential needs and housing support benefits, pregnant women assistance benefits, or temporary assistance for needy families payments shall be made to otherwise eligible individuals who are residing in a secure shelter, a housing network, an emergency shelter, or other shelter facility which provides shelter services to persons who are victims of domestic violence. Provisions shall be made by the department for the confidentiality of the shelter addresses where victims are residing.</p> <p> Wash. Rev. Code Ann. § 70.13.020 defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p>	<p>Wash. Rev. Code Ann. § 70.123.110.</p>
<p>Victims of Sexual Assault Act: Findings.</p> <p>The legislature hereby finds and declares that:</p> <p>(1) Sexual assault is a serious crime in society, affecting a large number of children, women, and men each year;</p> <p>(2) Efforts over many years to distribute information and collect data have demonstrated the incidence of sexual assault that continues to impact communities, families, and individuals;</p> <p>(3) Over the past three decades, law enforcement, prosecutors, medical professionals, educators, mental health providers, public health professionals, and victim advocates have benefited from a commitment to training and learning regarding appropriate responses to and services for victims of sexual assault;</p> <p>(4) This same effort has resulted in increased public awareness of sexual assault and its impact on communities, families, and individuals;</p>	<p>Wash. Rev. Code Ann. § 70.125.020.</p>

<p>(5) Law enforcement, prosecutors, medical professionals, educators, mental health providers, public health professionals, and victim advocates should continue to work closely and collaboratively to improve responses to and services for victims of sexual assault;</p> <p>(6) The physical, emotional, financial, and psychological needs of victims and their families are particularly well-served by timely and effective services provided in local communities; and</p> <p>(7) Persons who are victims of sexual assault benefit directly from continued public awareness and education, prosecutions of offenders, a criminal justice system which treats them in a humane manner, and access to victim-centered, culturally relevant services.</p> <p> Wash. Rev. Code Ann. § 70.125.030 defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p>	
<p>Victims of Sexual Assault Act: Victims’ Right to Personal Representative Presence During Treatment and Proceedings.</p> <p>If the victim of a sexual assault so desires, a personal representative of the victim’s choice may accompany the victim to the hospital or other health care facility, and to proceedings concerning the alleged assault, including police and prosecution interviews and court proceedings.</p> <p> Wash. Rev. Code Ann. § 70.125.030 defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p> <p> A promising practice is to have a policy and procedure in place to notify victims of sexual assault, at the first opportunity, of their right to have a victim advocate support person present during treatment and at proceedings.</p>	<p>Wash. Rev. Code Ann. § 70.125.060.</p>

<p>Victims of Sexual Assault Act: Records of Community Sexual Assault Program and Underserved Populations Providers Not Subject to Discovery; Exceptions.</p> <p>Records maintained by a community sexual assault program and underserved populations provider shall not be made available to any defense attorney as part of discovery in a sexual assault case unless:</p> <p>(1) A written pretrial motion is made by the defendant to the court stating that the defendant is requesting discovery of the community sexual assault program or underserved populations provider records;</p> <p>(2) The written motion is accompanied by an affidavit or affidavits setting forth specifically the reasons why the defendant is requesting discovery of the community sexual assault program or underserved populations provider records;</p> <p>(3) The court reviews the community sexual assault program or underserved populations provider records in camera to determine whether the community sexual assault program or underserved populations provider records are relevant and whether the probative value of the records is outweighed by the victim’s privacy interest in the confidentiality of such records taking into account the further trauma that may be inflicted upon the victim by the disclosure of the records to the defendant; and</p> <p>(4) The court enters an order stating whether the records or any part of the records are discoverable and setting forth the basis for the court’s findings.</p> <p> Wash. Rev. Code Ann. § 70.125.030 defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p>	<p>Wash. Rev. Code Ann. § 70.125.065.</p>
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<p>Victims of Sexual Assault Act: Rights of Sexual Assault Victims.</p> <p>(1) In addition to all other rights provided in law, a sexual assault survivor has the right to:</p> <ul style="list-style-type: none"> (a) Receive a medical forensic examination at no cost; (b) Consult with a sexual assault survivor’s advocate during any medical evidentiary examination and during any interview by law enforcement officers, prosecuting attorneys, or defense attorneys, unless an advocate cannot be summoned in a timely manner, and regardless of whether a survivor has waived the right in a previous examination or interview; (c) Be informed, upon the request of a survivor, of when the forensic analysis of his or her sexual assault kit and other related physical evidence will be or was completed, the results of the forensic analysis, and whether the analysis yielded a DNA profile and match, provided that the disclosure is made at an appropriate time so as to not impede or compromise an ongoing investigation; (d) Receive notice prior to the destruction or disposal of his or her sexual assault kit; (e) Receive a copy of the police report related to the investigation without charge; and (f) Review his or her statement before law enforcement refers a case to the prosecuting attorney. <p>(2) A sexual assault survivor retains all the rights of this section regardless of whether the survivor agrees to participate in the criminal justice system and regardless of whether the survivor agrees to receive a forensic examination to collect evidence.</p> <p>(3) If a survivor is denied any right enumerated in subsection (1) of this section, he or she may seek an order directing compliance by the relevant party or parties by filing a petition in the superior court in the county in which the sexual assault occurred and providing notice of such petition to the relevant party or parties. Compliance with the right is the sole remedy available to the survivor. The court shall expedite consideration of a petition filed under this subsection.</p> <p>(4) Nothing contained in this section may be construed to provide grounds for error in favor of a criminal defendant in a criminal proceeding. Except in the circumstances as provided</p>	<p>Wash. Rev. Code Ann. § 70.125.110(1)–(4).</p>
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<p>in subsection (3) of this section, this section does not grant a new cause of action or remedy against the state, its political subdivisions, law enforcement agencies, or prosecuting attorneys. The failure of a person to make a reasonable effort to protect or adhere to the rights enumerated in this section may not result in civil liability against that person. This section does not limit other civil remedies or defenses of the sexual assault survivor or the offender.</p> <p> Wash. Rev. Code Ann. §§ 70.125.030 and 70.125.110(5) define the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p> <p> A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that victims must “request” the exercise of certain rights. Agencies should carefully maintain documentation of a victim’s request to exercise rights.</p>	
<p>Department of Social and Health Services’ Duty, Upon Request, to Provide Victims with Notice of Conditional Release, Final Release, Leave, Transfer or Escape of Offenders Committed Following the Dismissal of Sex, Violent or Felony Harassment Offenses.</p> <p>(1)(a) Except as provided in subsection (2) of this section, at the earliest possible date, and in no event later than thirty days before conditional release, final release, authorized leave under RCW 71.05.325(2), or transfer to a facility other than a state mental hospital, the superintendent shall send written notice of conditional release, release, authorized leave, or transfer of a person committed under RCW 71.05.280(3) or 71.05.320(4)(c) following dismissal of a sex, violent, or felony harassment offense pursuant to RCW 10.77.086(4) to the following:</p> <ul style="list-style-type: none"> (i) The chief of police of the city, if any, in which the person will reside; (ii) The sheriff of the county in which the person will reside; and (iii) The prosecuting attorney of the county in which the criminal charges against the committed person were dismissed. 	<p>Wash. Rev. Code Ann. § 71.05.425(1)–(4).</p>

(b) The same notice as required by (a) of this subsection shall be sent to the following, if such notice has been requested in writing about a specific person committed under RCW 71.05.280(3) or 71.05.320(4)(c) following dismissal of a sex, violent, or felony harassment offense pursuant to RCW 10.77.086(4):

(i) The victim of the sex, violent, or felony harassment offense that was dismissed pursuant to RCW 10.77.086(4) preceding commitment under RCW 71.05.280(3) or 71.05.320(4)(c) or the victim's next of kin if the crime was a homicide;

(ii) Any witnesses who testified against the person in any court proceedings;



(iii) Any person specified in writing by the prosecuting attorney. Information regarding victims, next of kin, or witnesses requesting the notice, information regarding any other person specified in writing by the prosecuting attorney to receive the notice, and the notice are confidential and shall not be available to the person committed under this chapter; and

(iv) The chief of police of the city, if any, and the sheriff of the county, if any, which had jurisdiction of the person on the date of the applicable offense.

(c) The thirty-day notice requirements contained in this subsection shall not apply to emergency medical transfers.

(d) The existence of the notice requirements in this subsection will not require any extension of the release date in the event the release plan changes after notification.

(2) If a person committed under RCW 71.05.280(3) or 71.05.320(4)(c) following dismissal of a sex, violent, or felony harassment offense pursuant to RCW 10.77.086(4) escapes, the superintendent shall immediately notify, by the most reasonable and expedient means available, the chief of police of the city and the sheriff of the county in which the person escaped and in which the person resided immediately before the person's arrest and the prosecuting attorney of the county in which the criminal charges against the committed person were dismissed. If previously requested, the superintendent shall also notify the witnesses and the victim of the sex, violent, or felony harassment offense that was dismissed pursuant to RCW 10.77.086(4) preceding commitment under RCW 71.05.280(3) or 71.05.320(4) or the victim's next of kin if the crime was a homicide. In addition, the secretary shall also notify appropriate parties pursuant to RCW 70.02.230(2)(n). If the person is recaptured, the superintendent shall send notice to the persons designated in this

<p>subsection as soon as possible but in no event later than two working days after the department of social and health services learns of such recapture.</p> <p>(3) If the victim, the victim’s next of kin, or any witness is under the age of sixteen, the notice required by this section shall be sent to the parent or legal guardian of the child.</p> <p>(4) The superintendent shall send the notices required by this chapter to the last address provided to the department of social and health services by the requesting party. The requesting party shall furnish the department of social and health services with a current address.</p> <p> Wash. Rev. Code Ann. § 71.05.425(5) defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p> <p> A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that victims must “request” the exercise of certain rights. Agencies should carefully maintain documentation of a victim’s request to exercise rights. Victims who wish to receive the type of notice identified here should be reminded, throughout their participation in the justice system, that their contact information must be kept current with relevant agencies.</p>	
<p>Department of Social and Health Services’ Duty to Provide Victims with Notice of Conditional Release, Unconditional Discharge, or Escape and Recapture of Sexually Violent Predator.</p> <p>(1)(a) At the earliest possible date, and in no event later than 30 days before conditional release, change of address for a person on conditional release, or unconditional discharge, except in the event of escape, the department of social and health services shall send written notice of conditional release, unconditional discharge, or escape, to the following:</p>	<p>Wash. Rev. Code Ann. § 71.09.140.</p>

(i) The chief of police of the city, if any, in which the person will reside or in which placement will be made under a less restrictive alternative;

(ii) The sheriff of the county in which the person will reside or in which placement will be made under a less restrictive alternative; and

(iii) The sheriff of the county where the person was last convicted of a sexually violent offense, if the department does not know where the person will reside.

The department shall notify the state patrol of the release of all sexually violent predators and that information shall be placed in the Washington crime information center for dissemination to all law enforcement.

(b) A return to total confinement or to a secure community transition facility pending revocation or modification proceedings is not considered a change of address for purposes of (a) of this subsection, and an additional community notification process is not required, unless conditional release is revoked under RCW 71.09.098 or the return lasts longer than 90 days.

(2) The same notice as required by subsection (1) of this section shall be sent to the following if such notice has been requested in writing about a specific person found to be a sexually violent predator under this chapter:

(a) The victim or victims of any sexually violent offenses for which the person was convicted in the past or the victim's next of kin if the crime was a homicide. "Next of kin" as used in this section means a person's spouse, parents, siblings, and children;

(b) Any witnesses who testified against the person in his or her commitment trial under RCW 71.09.060; and

(c) Any person specified in writing by the prosecuting agency.

Information regarding victims, next of kin, or witnesses requesting the notice, information regarding any other person specified in writing by the prosecuting agency to receive the notice, and the notice are confidential and shall not be available to the committed person.


(3) If a person committed as a sexually violent predator under this chapter escapes from a department of social and health services facility, the department shall immediately notify, by the most reasonable and expedient means available, the chief of police of the city and the sheriff of the county in which the committed person resided immediately before his or her

commitment as a sexually violent predator, or immediately before his or her incarceration for his or her most recent offense. If previously requested, the department shall also notify the witnesses and the victims of the sexually violent offenses for which the person was convicted in the past or the victim's next of kin if the crime was a homicide. If the person is recaptured, the department shall send notice to the persons designated in this subsection as soon as possible but in no event later than two working days after the department learns of such recapture.

(4) If the victim or victims of any sexually violent offenses for which the person was convicted in the past or the victim's next of kin, or any witness is under the age of 16, the notice required by this section shall be sent to the parents or legal guardian of the child.

(5) The department of social and health services shall send the notices required by this chapter to the last address provided to the department by the requesting party. The requesting party shall furnish the department with a current address.

(6) Nothing in this section shall impose any liability upon a chief of police of a city or sheriff of a county for failing to request in writing a notice as provided in subsection (1) of this section.

 A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that victims must "request" the exercise of certain rights. Agencies should carefully maintain documentation of a victim's request to exercise rights. Victims who wish to receive the type of notice identified here should be reminded, throughout their participation in the justice system, that their contact information must be kept current with relevant agencies.

Department of Corrections' Duty to Notify Victims of Certain Offenders' Parole, Release, Community Custody, Work Release Placement, Furlough or Escape.

Wash. Rev. Code Ann. § 72.09.712.

<See Proclamation by the Governor 20-50 (2019 WA EO P20-50), issued April 15, 2020, related to the COVID-19 State of Emergency, for suspension of provisions of this section.>

(1) At the earliest possible date, and in no event later than thirty days before release except in the event of escape or emergency furloughs as defined in RCW 72.66.010, the department of corrections shall send written notice of parole, release, community custody, work release placement, furlough, or escape about a specific inmate convicted of a violent offense, a sex offense as defined by RCW 9.94A.030, a domestic violence court order violation pursuant to RCW 10.99.040, 10.99.050, 26.09.300, *26.10.220, 26.26B.050, 26.50.110, 26.52.070, or 74.34.145, or a felony harassment offense as defined by RCW 9A.46.060 or 9A.46.110, to the following:

- (a) The chief of police of the city, if any, in which the inmate will reside or in which placement will be made in a work release program; and
- (b) The sheriff of the county in which the inmate will reside or in which placement will be made in a work release program.

The sheriff of the county where the offender was convicted shall be notified if the department does not know where the offender will reside. The department shall notify the state patrol of the release of all sex offenders, and that information shall be placed in the Washington crime information center for dissemination to all law enforcement.

(2) The same notice as required by subsection (1) of this section shall be sent to the following if such notice has been requested in writing about a specific inmate convicted of a violent offense, a sex offense as defined by RCW 9.94A.030, a domestic violence court order violation pursuant to RCW 10.99.040, 10.99.050, 26.09.300, *26.10.220, 26.26B.050, 26.50.110, 26.52.070, or 74.34.145, or a felony harassment offense as defined by RCW 9A.46.060 or 9A.46.110:

- (a) The victim of the crime for which the inmate was convicted or the victim's next of kin if the crime was a homicide;

(b) Any witnesses who testified against the inmate in any court proceedings involving the violent offense;

(c) Any person specified in writing by the prosecuting attorney; and

(d) Any person who requests such notice about a specific inmate convicted of a sex offense as defined by RCW 9.94A.030 from the department of corrections at least sixty days prior to the expected release date of the offender.

Information regarding victims, next of kin, or witnesses requesting the notice, information regarding any other person specified in writing by the prosecuting attorney to receive the notice, and the notice are confidential and shall not be available to the inmate. Whenever the department of corrections mails notice pursuant to this subsection and the notice is returned as undeliverable, the department shall attempt alternative methods of notification, including a telephone call to the person's last known telephone number.

(3) The existence of the notice requirements contained in subsections (1) and (2) of this section shall not require an extension of the release date in the event that the release plan changes after notification.

(4) If an inmate convicted of a violent offense, a sex offense as defined by RCW 9.94A.030, a domestic violence court order violation pursuant to RCW 10.99.040, 10.99.050, 26.09.300, *26.10.220, 26.26B.050, 26.50.110, 26.52.070, or 74.34.145, or a felony harassment offense as defined by RCW 9A.46.060 or 9A.46.110, escapes from a correctional facility, the department of corrections shall immediately notify, by the most reasonable and expedient means available, the chief of police of the city and the sheriff of the county in which the inmate resided immediately before the inmate's arrest and conviction. If previously requested, the department shall also notify the witnesses and the victim of the crime for which the inmate was convicted or the victim's next of kin if the crime was a homicide. If the inmate is recaptured, the department shall send notice to the persons designated in this subsection as soon as possible but in no event later than two working days after the department learns of such recapture.

(5) If the victim, the victim's next of kin, or any witness is under the age of sixteen, the notice required by this section shall be sent to the parents or legal guardian of the child.

(6) The department of corrections shall send the notices required by this chapter to the last address provided to the department by the requesting party. The requesting party shall furnish the department with a current address.

(7) The department of corrections shall keep, for a minimum of two years following the release of an inmate, the following:

- (a) A document signed by an individual as proof that that person is registered in the victim or witness notification program; and
- (b) A receipt showing that an individual registered in the victim or witness notification program was mailed a notice, at the individual's last known address, upon the release or movement of an inmate.

(8) For purposes of this section the following terms have the following meanings:

- (a) "Violent offense" means a violent offense under RCW 9.94A.030;
- (b) "Next of kin" means a person's spouse, state registered domestic partner, parents, siblings and children.

(9) Nothing in this section shall impose any liability upon a chief of police of a city or sheriff of a county for failing to request in writing a notice as provided in subsection (1) of this section.



This version of this statute is effective until July 1, 2022.



A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that victims must "request" the exercise of certain rights. Agencies should carefully maintain documentation of a victim's request to exercise rights. Victims who wish to receive the type of notice identified here should be reminded, throughout their participation in the justice system, that their contact information must be kept current with relevant agencies.

<p>Victims' Rights Regarding Dismissal with Prejudice Due to Time Limit: Notice; to Be Heard.</p> <p>A charge not brought to trial within the time limit determined under [Wash. Super. Ct. Rule 3.3] shall be dismissed with prejudice. The State shall provide notice of dismissal to the victim and at the court's discretion shall allow the victim to address the court regarding the impact of the crime. No case shall be dismissed for time-to-trial reasons except as expressly required by this rule, a statute, or the state or federal constitution.</p>	<p>Wash. Super. Ct. R. 3.3(h).</p>
<p>Victims' Rights Regarding Criminal Court Subpoenas for Producing Evidence or Permitting Inspection: Notice and Opportunity to Be Heard.</p> <p>A subpoena commanding a person to produce and permit inspection and copying of designated documents, tangible things, or premises in the possession, custody, or control of that person ("a subpoena for production") shall be issued as follows:</p> <p>(1) <i>Form; Issuance.</i></p> <p>(A) A subpoena for production shall (i) state the title of the action, the case number, the name of the court in which the action is pending, and, if different, the name of the court from which the subpoena is issued; (ii) command each person to whom it is directed to produce and permit inspection and copying of documentary evidence, tangible things, or premises in the possession, custody, or control of that person at a specified time and place; and (iii) set forth the text of subsection (b)(4) of this rule.</p> <p>(B) The court in which the action is pending or before which attendance is required may issue a subpoena for production under the seal of that court or the clerk may issue the subpoena in response to a praecipe. An attorney for a party also may sign and issue a subpoena for production.</p> <p>(C) A subpoena for production may be joined with a subpoena for testimony, or it may be issued separately, provided that a subpoena to inspect premises may not be combined with other subpoenas issued pursuant to this rule.</p>	<p>Wash. Super. Ct. R. 4.8(b).</p>

(2) *Notice.* Notice to parties of the issuance of a subpoena for production is not required provided that, whenever a party intends to serve a subpoena for production seeking evidence or inspection of things or premises belonging or pertaining to a defendant who is not the party seeking or issuing the subpoena, then the serving party must give all parties advance notice; and provided that whenever any party intends to serve a subpoena for production seeking evidence or inspection of things belonging or pertaining to an alleged victim or complaining witness, then the serving party shall provide advance notice to all parties and to the alleged victim or complaining witness; and provided that a subpoena for inspection of premises must be signed by the court and only after good cause is shown and advance notice is provided to all parties and the owner or occupier of the premises.

(A) *Time and Manner.* If advance notice is required under this rule, then no fewer than five days prior to service on the person named in the subpoena for production, notice shall be provided in the manner prescribed by CR 5(b). The parties may agree to shorten the time for advance notice when a subpoena seeks solely evidence or tangible things belonging or pertaining to a defendant. The court may shorten the time for advance notice upon a showing of good cause by a party; provided that, any alleged victim or complaining witness whose evidence, tangible things, or premises are sought shall receive notice and an opportunity to be heard on any motion to shorten time.

(B) *Court May Excuse Notice.* A court on ex parte motion may excuse compliance with the advance notice requirement upon the serving party's showing of good cause; any such court order, along with a copy of the subpoena for which notice is excused, shall be filed under seal pursuant to GR 15.

(3) *Service--How Made.* A subpoena for production shall be served in the manner prescribed in CR 5(b); provided that, if the subpoena for production is joined with a subpoena for testimony, then subsection (a)(3) of this rule shall govern service.

(4) *Protection of Persons Subject to Subpoena for Production.* On timely motion, the court may quash or modify a subpoena for production if it (A) fails to allow reasonable time for compliance; (B) requires disclosure of privileged or other protected matter and no exception or waiver applies; (C) is unreasonable, oppressive, or unduly burdensome; or (D) exceeds

<p>the scope of discovery otherwise permitted under the criminal rules. The court may condition denial of a motion to quash or modify upon the advancement by the party on whose behalf the subpoena for production is issued of the reasonable cost of producing the books, papers, documents, tangible things, or premises.</p> <p><i>(5) Applicability of Other Notice and Privacy Provisions.</i> The provisions of this rule do not modify or limit privacy protections and notice requirements provided by court rule, statute, regulation, or other applicable law.</p>	
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This resource was developed by the National Crime Victim Law Institute (NCVLI) under 2018-V3-GX-K049 and 2020-V3-GX-K001, awarded to the International Association of Chiefs of Police (IACP) by the Office for Victims of Crime, Office of Justice Programs, U.S. Department of Justice. The opinions, findings, and conclusions or recommendations expressed in this resource are those of the contributors and do not necessarily represent the official position of the U.S. Department of Justice.