

SB 5635: Concerning Victims' Rights

The Washington Defender Association and the Washington Association of Criminal Defense Lawyers are strongly opposed to this expansion of victims' rights and mandate to provide additional funding to prosecutors and victim advocates.

This legislation expands the rights for *any* alleged victim, not just of a felony or domestic violence crime, to be notified by the prosecutor of the date, time, and place of trial, and sentencing upon request and then present a statement personally or by a representative at sentencing.

The law already gives the alleged victims and victims of nonfelony, and nondomestic violence ample rights under RCW 7.69.030 including in subsections (3) regarding subpoenas, (10) for alleged victims and victims of violent and sex crimes to have a victim advocate present with them at any court proceeding, (11) for all alleged victims to be present in court during trial, and (13) for *all* victims to submit a victim impact statement or report to the court with the assistance of the prosecutor which will be included with all presentence reports and permanently included in the files and records of the defendant.

This legislation adds a section to include consideration of victim safety in bail determinations which is already covered by CrR 3.2 which requires a presumption of release unless, among other factors, there is a showing of danger that the accused will commit a violent crime, intimidate a witness or interfere with the administration of justice which authorizes the court to impose a variety of conditions of release.

It also adds a section that gives alleged victims the right to be heard regarding the setting of a trial date and requires a judge to provide an explanation of any reason for a delay. However, the court does not have a requirement to act on an alleged victim's input, because it cannot impair the rights of the accused to an effective defense. Concerningly, it does not address other rights of the accused such as the right to a speedy trial.

It additionally adds a section granting *all* victims the right to be notified about victim notification services which may be available regarding the custodial status of the accused including their location.

Lastly, it creates a mandate for providing an unspecified and unlimited amount of state funding for crime victim advocates' and prosecutors' offices to ensure these rights are protected.

It is critical that we do not violate the constitutional rights of the accused by the passage of expanded rights of alleged victims and victims and that any funding of these rights is limited.

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