

The state auditor, through the division of municipal corporations, shall review the tax levies of all municipal corporations in the regular examinations under RCW 43.09.260.

NEW SECTION. Sec. 8. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately: PROVIDED, That the amendment to RCW 84.55.010 by section 2 of this act shall be effective for 1979 levies for taxes collected in 1980, and for subsequent years.

Passed the House May 15, 1979.

Passed the Senate May 10, 1979.

Approved by the Governor June 4, 1979.

Filed in Office of Secretary of State June 4, 1979.

## CHAPTER 219

[Second Substitute House Bill No. 418]

### VICTIMS OF SEXUAL ASSAULT ACT—VICTIMS OF CRIMES, ASSISTANCE, COMPENSATION

AN ACT Relating to victims of crime; amending section 9, chapter 302, Laws of 1977 ex. sess. and RCW 7.68.065; adding new sections to chapter 7.68 RCW; and adding a new chapter to Title 70 RCW].

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Section 1. This chapter may be known and cited as the Victims of Sexual Assault Act.

NEW SECTION. Sec. 2. (1) The legislature hereby finds and declares that:

(a) Sexual assault has become one of the most rapidly increasing violent crimes over the last decade;

(b) There is a lack of essential information and data concerning sexual assault;

(c) There is a lack of adequate training for law enforcement officers concerning sexual assault, the victim, the offender, and the investigation;

(d) There is a lack of community awareness and knowledge concerning sexual assault and the physical and psychological impact upon the victim;

(e) There is a lack of public information concerning sexual assault prevention and personal self-protection;

(f) Because of the lack of information, training, and services, the victims of sexual assault are not receiving the assistance they require in dealing with the physical and psychological trauma of a sexual assault;

(g) The criminal justice system and health care system should maintain close contact and cooperation with each other and with community rape crisis centers to expedite the disposition of sexual assault cases; and

(h) Persons who are victims of sexual assault will benefit directly from increased public awareness and education, increased prosecutions, and a criminal justice system which treats them in a humane manner.

(2) Therefore, a state-wide sexual assault education, training, and consultation program should be developed. Such a state-wide program should seek to improve treatment of victims through information-gathering, education, training, community awareness programs, and by increasing the efficiency of the criminal justice and health care systems as they relate to sexual assault. Such a program should serve a consultative and facilitative function for organizations which provide services to victims and potential victims of sexual assault.

NEW SECTION. Sec. 3. As used in this chapter and unless the context indicates otherwise:

(1) "Department" means the department of social and health services.

(2) "Law enforcement agencies" means police and sheriff's departments of this state.

(3) "Personal representative" means a friend, relative, attorney, or employee or volunteer from a rape crisis center.

(4) "Rape crisis center" means a community-based social service agency which provides services to victims of sexual assault.

(5) "Secretary" means the secretary of the department of social and health services.

(6) "Sexual assault" means one or more of the following:

(a) Rape or statutory rape;

(b) Assault with intent to commit rape;

(c) Incest or indecent liberties; or

(d) An attempt to commit any of the aforementioned offenses.

(7) "Victim" means any person who suffers physical and/or mental anguish as a proximate result of a sexual assault.

NEW SECTION. Sec. 4. The department shall establish a centralized office within the department to coordinate activities of programs relating to sexual assault and to facilitate coordination and dissemination of information to personnel in fields relating to sexual assault.

The department shall develop, with the cooperation of the criminal justice training commission, the attorney general's office, the medical profession, and existing rape crisis centers, a state-wide plan to aid organizations which provide services to victims of sexual assault.

NEW SECTION. Sec. 5. The state-wide program established under section 4 of this act shall include but not be limited to provision of the following services: PROVIDED, That the department shall utilize existing rape crisis centers and contract, where appropriate, with these centers to provide the services identified in this section:

(1) Assistance to the criminal justice training commission in developing and offering training and education programs for criminal justice personnel on the scope and nature of the sexual assault problem;

(2) Assistance to health care personnel in training for the sensitive handling and correct legal procedures of sexual assault cases;

(3) Development of public education programs to increase public awareness concerning sexual assault in coordination with the activities of the attorney general's crime prevention efforts; and

(4) Technical assistance and advice to rape crisis centers, including the organization of existing community resources, volunteer training, identification of potential funding sources, evaluation, and education. Assistance shall be given for the development of additional programs in areas of the state where such services do not exist.

NEW SECTION. Sec. 6. 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.

NEW SECTION. Sec. 7. The Victims of Sexual Assault Act shall terminate on June 30, 1985, and shall be subject to all of the processes provided in RCW 43.131.010 through 43.131.110 as now existing or hereafter amended.

NEW SECTION. Sec. 8. To carry out the provisions of this act there is appropriated from the general fund to the department of social and health services for the biennium ending June 30, 1981, the sum of three hundred fifty thousand dollars, or so much thereof as may be necessary to carry out the purposes of this act.

NEW SECTION. Sec. 9. Sections 1 through 7 of this act shall constitute a new chapter in Title 70 RCW.

Sec. 10. Section 9, chapter 302, Laws of 1977 ex. sess. and RCW 7.68-.065 are each amended to read as follows:

Each law enforcement agency to which a criminal act has been reported and which criminal act results in physical injury or death to a victim shall make a reasonable effort to inform the known victim or his surviving dependent(s) of the existence of this chapter and the procedure for making application for benefits provided by this chapter. In any criminal case wherein the victim has sustained physical, emotional, or financial trauma, the law enforcement agency shall make a reasonable effort to inform the known victim of the existence and method of contacting agencies which may be able to assist the victim. Such list of agencies shall include public or private organizations that provide support for victims of crime: PROVIDED, That the failure to so act ((with)) under this section shall not stay the operation of RCW 7.68.060.

NEW SECTION. Sec. 11. There is added to chapter 7.68 RCW a new section to read as follows:

No costs incurred by a hospital or other emergency medical facility for the examination of the victim of a sexual assault, when such examination is performed for the purposes of gathering evidence for possible prosecution, shall be billed or charged directly or indirectly to the victim of such assault. Such costs shall be paid by the state pursuant to this chapter.

NEW SECTION. Sec. 12. The prosecutor or the department may, at any time after the person's arraignment petition any superior court for an order, following notice and hearing, directing that any contract described in section 13 shall be paid in accordance with sections 12 through 20 of this 1979 act.

NEW SECTION. Sec. 13. After hearing, as provided in section 12 of this act, every person, firm, corporation, partnership, association or other legal entity contracting with any person or the representative or assignee of any person, accused or convicted of a crime in this state, with respect to the reenactment of such crime, by way of a movie, book, magazine article, tape recording, phonograph record, radio or television presentation, live entertainment of any kind, or from the expression of such accused or convicted person's thoughts, feelings, opinion or emotions regarding such crime, shall submit a copy of such contract to the department and pay over to the department any moneys which would otherwise, by terms of such contract, be owing to the person so accused or convicted or his representatives. The department shall deposit such moneys in an escrow account for the benefit of and payable to any victim or the legal representative of any victim of crimes committed by: (i) such convicted person; or (ii) such accused person, but only if such accused person is eventually convicted of the crime and provided that such victim, within five years of the date of the establishment of such escrow account, brings a civil action in a court of competent jurisdiction and recovers a money judgment for damages against such person or his representatives.

NEW SECTION. Sec. 14. The department, at least once every six months for five years from the date it receives such moneys, shall cause to have published a legal notice in newspapers of general circulation in the county wherein the crime was committed and in counties contiguous to such county advising such victims that such escrow moneys are available to satisfy money judgments pursuant to this section. For crimes committed in a city located within a county having a population of one million or more, the notice provided for in this section shall be in newspapers having general circulation in such city. The department may, in its discretion, provide for such additional notice as it deems necessary.

NEW SECTION. Sec. 15. Upon dismissal of charges or acquittal of any accused person the department shall immediately pay over to such accused person the moneys in the escrow account established on behalf of such accused person.

NEW SECTION. Sec. 16. Upon a showing by any convicted person that five years have elapsed from the establishment of such escrow account and further that no actions are pending against such convicted person pursuant to this act, the department shall immediately pay over any moneys in the escrow account to such person or his legal representatives.

NEW SECTION. Sec. 17. For purposes of this act, a person found not guilty as a result of the defense of mental disease or defect shall be deemed to be a convicted person.

NEW SECTION. Sec. 18. Notwithstanding any inconsistent provision of the civil practice and rules with respect to the timely bringing of an action, the five year period provided for in section 13 of this act shall not begin to run until an escrow account has been established.

NEW SECTION. Sec. 19. Notwithstanding the foregoing provisions of this act the department shall make payments from an escrow account to any person accused or convicted of a crime upon the order of a court of competent jurisdiction after a showing by such person that such moneys shall be used for the exclusive purpose of retaining legal representation at any stage of the proceedings against such person, including the appeals process.

NEW SECTION. Sec. 20. Any action taken by any person accused or convicted of a crime, whether by way of execution of a power of attorney, creation of corporate entities or otherwise, to defeat the purpose of this act shall be null and void as against the public policy of this state.

NEW SECTION. Sec. 21. Sections 12 through 20 of this act are each added to chapter 7.68 RCW.

NEW SECTION. Sec. 22. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

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## CHAPTER 220

[Substitute House Bill No. 1075]

OPERATING AGENCIES—THERMAL POWER PLANTS—PERFORMANCE  
AUDITS