

REVENUE: No revenue impact

FISCAL: Minimal fiscal impact, no statement issued

Action: Without Recommendation as to Passage and Be Referred to the Committee on Rules

Vote: 5 - 0 - 0

Yeas: Bonamici, Boquist, Dingfelder, Whitsett, Prozanski

Nays: 0

Exc.: 0

Prepared By: Shannon Sivell, Counsel

Meeting Dates: 5/7, 5/28

WHAT THE MEASURE DOES: Requires that sexually explicit property or material involving victim of criminal conduct remain in the control of a law enforcement agency or the court throughout the criminal proceeding.

ISSUES DISCUSSED:

- The need to further amend the measure
- Provisions of the measure

EFFECT OF COMMITTEE AMENDMENT: No amendment.

BACKGROUND: Currently, the state is required to provide discovery, such as photographs and video recordings to the defense in all criminal cases. District attorneys and victims have the right to petition the court for a protective order regarding sexually explicit materials; however, this order does not prevent the materials from being reproduced as part of the discovery process. During the discovery process, materials may be reproduced and given to defense attorneys, defense experts and the defendant. As a result, the victim's privacy is impacted. HB 3244 requires the state to make sexually explicit materials "reasonably available" to the defendant, defense attorneys and any defense experts. "Reasonably available" means those specified individuals would be provided ample opportunity to inspect, view and examine the materials at a precinct or courthouse. They would not be allowed to reproduce them.

The provisions of this measure do not prevent the defense from filing a motion to discover and having a hearing if they are not being provided ample opportunity to view the evidence.