



Representative Nancy Dahlstrom
Representative Lesil McGuire

Representative Ralph Samuels
Representative Bill Stoltze

CSHB 397 (JUD)

“An Act relating to defense contacts with and recordings of statements of victims and witnesses of sexual offenses.”

“The Brooke Act”

Sponsor Statement

Victims and witnesses to crime are unfortunately placed at risk of harassment, intimidation, and unwarranted invasions of privacy when their lives are unwillingly thrust into the legal system. These potential harms increase when a victim or witness is a minor and also when the crime they have been involved in is a sexual offense.

[HB 397](#), also known as the Brooke Act, would require criminal defense attorneys and investigators to first obtain the consent of a minor’s parent or guardian prior to conducting a tape-recorded interview with a minor sexual assault victim or witness. When a criminal defense attorney or defense investigator speaks to a minor victim or witness, and the interview is not recorded, written authorization must first be obtained from the parent or guardian of the victim or witness. However, if the statement *is* recorded, there is no present requirement in the law that the minor’s parent or guardian be consulted to decide whether the minor should waive his or her rights not to speak with defense representatives. This loophole in the law leaves juvenile victims vulnerable and parents in the dark. Current law already embodies an important provision that does not allow a defendant who is the parent or guardian of a minor sexual assault victim or witness to provide the authorization required by this bill.

HB 397 will help parents and guardians of minors to learn what is going on in their lives and empower them to make smart decisions about what is in their best interests, not the best interests of criminal attorneys or their clients.