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**SENATE BILL 5052**

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**State of Washington**

**69th Legislature**

**2025 Regular Session**

**By** Senators Salomon and Dhingra

Prefiled 12/13/24.

1 AN ACT Relating to modifying law enforcement ability to contact  
2 juvenile witnesses and victims not suspected of criminal involvement  
3 or activity; and amending RCW 13.40.740.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 13.40.740 and 2021 c 328 s 1 are each amended to  
6 read as follows:

7 (1) Except as provided in subsections (4) and (5) of this  
8 section, law enforcement shall provide a juvenile with access to an  
9 attorney for consultation, which may be provided in person, by  
10 telephone, or by videoconference, before the juvenile waives any  
11 constitutional rights if a law enforcement officer:

12 (a) Questions a juvenile during a custodial interrogation;

13 (b) Detains a juvenile based on probable cause of involvement in  
14 criminal activity; or

15 (c) Requests that the juvenile provide consent to an evidentiary  
16 search of the juvenile or the juvenile's property, dwellings, or  
17 vehicles under the juvenile's control.

18 (2) The consultation required by subsection (1) of this section  
19 may not be waived.

20 (3) Statements made by a juvenile after the juvenile is contacted  
21 by a law enforcement officer in a manner described under subsection

1 (1) of this section are not admissible in a juvenile offender or  
2 adult criminal court proceeding, unless:

3 (a) The juvenile has been provided with access to an attorney for  
4 consultation; and the juvenile provides an express waiver knowingly,  
5 intelligently, and voluntarily made by the juvenile after the  
6 juvenile has been fully informed of the rights being waived as  
7 required under RCW 13.40.140;

8 (b) The statement is for impeachment purposes; or

9 (c) The statement was made spontaneously.

10 (4) A law enforcement officer may question or perform a search of  
11 a juvenile, their property, or their possessions pursuant to their  
12 consent without following the requirement in subsection (1) of this  
13 section if((÷

14 ~~(a) The~~) the law enforcement officer believes the juvenile is a  
15 victim or witness of (~~trafficking~~) a sex offense as defined in RCW  
16 (~~9A.40.100~~) 9.94A.030; however, any information obtained from the  
17 juvenile by law enforcement pursuant to this subsection cannot be  
18 used in any (~~prosecution~~) prosecution's case in chief of that  
19 juvenile, except for impeachment purposes.

20 (5) A law enforcement officer may question a juvenile without  
21 following the requirement in subsection (1) of this section if:

22 (a) The law enforcement officer believes the juvenile is a  
23 witness or victim of a crime; however, any information obtained from  
24 the juvenile by law enforcement pursuant to this subsection cannot be  
25 used in any prosecution's case in chief of that juvenile, except for  
26 impeachment purposes; or

27 (b) (i) The law enforcement officer believes that the information  
28 sought is necessary to protect an individual's life from an imminent  
29 threat;

30 (ii) A delay to allow legal consultation would impede the  
31 protection of an individual's life from an imminent threat; and

32 (iii) Questioning by the law enforcement officer is limited to  
33 matters reasonably expected to obtain information necessary to  
34 protect an individual's life from an imminent threat.

35 (~~(5)~~) (6) After the juvenile has consulted with legal counsel,  
36 the juvenile may advise, direct a parent or guardian to advise, or  
37 direct legal counsel to advise the law enforcement officer that the  
38 juvenile chooses to assert a constitutional right. Any assertion of  
39 constitutional rights by the juvenile through legal counsel must be  
40 treated by a law enforcement officer as though it came from the

1 juvenile. The waiver of any constitutional rights of the juvenile may  
2 only be made according to the requirements of RCW 13.40.140.

3 ~~((6))~~ (7) For purposes of this section, the following  
4 definitions apply:

5 (a) "Juvenile" means any individual who is under the  
6 chronological age of 18 years; and

7 (b) "Law enforcement officer" means any general authority,  
8 limited authority, or specially commissioned Washington peace officer  
9 or federal peace officer as those terms are defined in RCW 10.93.020,  
10 including school resource officers as defined in RCW 28A.320.124 and  
11 other public officers who are responsible for enforcement of fire,  
12 building, zoning, and life and safety codes.

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