
SENATE BILL 5686

State of Washington 65th Legislature 2017 Regular Session

By Senators Rivers, Ranker, Fain, and Keiser

Read first time 02/02/17. Referred to Committee on Law & Justice.

1 AN ACT Relating to creating a sexual assault survivor bill of
2 rights; adding a new section to chapter 5.40 RCW; and adding a new
3 chapter to Title 7 RCW.

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

5 NEW SECTION. **Sec. 1.** The definitions in this section apply
6 throughout this chapter unless the context clearly requires
7 otherwise.

8 (1) "Law enforcement officer" means a general authority
9 Washington peace officer, as defined in RCW 10.93.020, or any person
10 employed by a private police agency at a public school as described
11 in RCW 28A.150.010 or an institution of higher education, as defined
12 in RCW 28B.10.016.

13 (2) "Sexual assault survivor" or "survivor" means any person who
14 is a victim, as defined in RCW 9.94A.030. The term includes the
15 parent, guardian, spouse, or any other person related to the survivor
16 by consanguinity or affinity to the second degree, or any other
17 lawful representative of the survivor, if the survivor is
18 incompetent, deceased, or a minor who is unable to consent to
19 counseling services, unless the person is the alleged assailant.

1 (3) "Sexual assault survivor's advocate" means any person who is
2 defined in RCW 5.60.060 as a sexual assault advocate, or a crime
3 victim advocate.

4 NEW SECTION. **Sec. 2.** (1) The rights provided to sexual assault
5 survivors in this chapter attach whenever a survivor consents to a
6 forensic, medical evidentiary, or physical examination and whenever a
7 survivor consents to an interview by law enforcement officers,
8 district attorneys, or defense attorneys.

9 (2) A sexual assault survivor retains all the rights of this
10 chapter regardless of whether the survivor agrees to participate in
11 the criminal justice system at any time and regardless of whether the
12 survivor agrees to receive a forensic or medical evidentiary
13 examination to collect sexual assault forensic evidence.

14 NEW SECTION. **Sec. 3.** A sexual assault survivor has the right
15 to:

16 (1) Consult with a sexual assault survivor's advocate during any
17 medical evidentiary or physical examination and during any interview
18 by law enforcement officers, district attorneys, or defense
19 attorneys. A sexual assault survivor retains this right even if the
20 survivor has waived the right in a previous examination or interview;

21 (2) Choose to participate or not in the criminal justice system;

22 (3) Consult with a sexual assault survivor's advocate, to be
23 contacted by the interviewer, during any interview by a law
24 enforcement officer, prosecuting attorney, or defense attorney,
25 unless a sexual assault survivor's advocate cannot be summoned in a
26 reasonable timely manner;

27 (4) Be interviewed by a law enforcement officer or prosecuting
28 attorney of the same gender or opposite gender as the survivor,
29 unless one is not reasonably available;

30 (5) Be informed, upon the survivor's request, of when the
31 analysis of the forensic evidence will be or was completed, of the
32 results of the analysis of the forensic evidence, whether the
33 analysis yielded a DNA profile, and whether the analysis yielded a
34 DNA match. The survivor has the right to receive this information, in
35 writing, through a secure confidential message;

36 (6) Be reasonably protected from the defendant and persons acting
37 on behalf of the defendant;

38 (7) Be free from intimidation, harassment, and abuse;

1 (8) Be treated with fairness and respect for his or her privacy
2 and dignity; and

3 (9) Be heard through a survivor's impact statement at any
4 proceeding involving postarrest decisions, pleas, sentencing,
5 postconviction release, or any other proceeding.

6 NEW SECTION. **Sec. 4.** A new section is added to chapter 5.40 RCW
7 to read as follows:

8 A sexual assault survivor's waiver of the right to a sexual
9 assault survivor's advocate, as defined in section 1 of this act, is
10 not admissible into evidence.

11 NEW SECTION. **Sec. 5.** Sections 1 through 3 of this act
12 constitute a new chapter in Title 7 RCW.

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