
SENATE BILL 5603

State of Washington

69th Legislature

2025 Regular Session

By Senators Christian, Torres, Goehner, J. Wilson, Fortunato, and Warnick

1 AN ACT Relating to juvenile access to attorneys when contacted by
2 law enforcement; amending RCW 13.40.740; and adding a new section to
3 chapter 13.40 RCW.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 13.40
6 RCW to read as follows:

7 (1) This section applies to local jurisdictions with a population
8 greater than 1,000,000 people.

9 (2) Except as provided in subsection (5) of this section, law
10 enforcement shall provide a juvenile with access to an attorney for a
11 consultation, and that consultation shall be in person, before the
12 juvenile waives any constitutional rights if a law enforcement
13 officer:

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

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

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

20 (3) The consultation required by subsection (2) of this section
21 may not be waived.

1 (4) The attorney providing the consultation shall be available to
2 respond to the scene of the investigation and able to consult with
3 any juvenile, juvenile victim, or juvenile witness as required in
4 subsection (2) of this section.

5 (5) Law enforcement shall coordinate with facilitating the in-
6 person contact required under subsection (2) of this section, and may
7 provide transportation for the attorney as needed to prevent any
8 delay in the investigation of the offense.

9 (6) Statements made by a juvenile after the juvenile is contacted
10 by a law enforcement officer in a manner described under subsection
11 (2) of this section are not admissible in a juvenile offender or
12 adult criminal court proceeding, unless:

13 (a) The juvenile has been provided with access to an attorney for
14 consultation; and the juvenile provides an express waiver knowingly,
15 intelligently, and voluntarily made by the juvenile after the
16 juvenile has been fully informed of the rights being waived as
17 required under RCW 13.40.140;

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

19 (c) The statement was made spontaneously.

20 (7) A law enforcement officer may question a juvenile without
21 following the requirement in subsection (2) of this section if:

22 (a) The law enforcement officer believes the juvenile is a victim
23 of trafficking as described in RCW 9A.40.100; however, any
24 information obtained from the juvenile by law enforcement pursuant to
25 this subsection cannot be used in any prosecution of that juvenile;
26 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 (8) After the juvenile has consulted with legal counsel, the
36 juvenile may advise, direct a parent or guardian to advise, or direct
37 legal counsel to advise the law enforcement officer that the juvenile
38 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 (9) For purposes of this section, the following definitions
4 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.

13 **Sec. 2.** RCW 13.40.740 and 2021 c 328 s 1 are each amended to
14 read as follows:

15 (1) This section applies to local jurisdictions with a population
16 that is less than 1,000,000 people.

17 (2) Except as provided in subsection (~~((4))~~) (5) of this section,
18 law enforcement shall provide a juvenile with access to an attorney
19 for consultation, which may be provided in person, by telephone, or
20 by videoconference, before the juvenile waives any constitutional
21 rights if a law enforcement officer:

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

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

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

28 (~~((2))~~) (3) The consultation required by subsection (~~((1))~~) (2)
29 of this section may not be waived.

30 (~~((3))~~) (4) Statements made by a juvenile after the juvenile is
31 contacted by a law enforcement officer in a manner described under
32 subsection (~~((1))~~) (2) of this section are not admissible in a
33 juvenile offender or adult criminal court proceeding, unless:

34 (a) The juvenile has been provided with access to an attorney for
35 consultation; and the juvenile provides an express waiver knowingly,
36 intelligently, and voluntarily made by the juvenile after the
37 juvenile has been fully informed of the rights being waived as
38 required under RCW 13.40.140;

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

1 (c) The statement was made spontaneously.

2 (~~(4)~~) (5) A law enforcement officer may question a juvenile
3 without following the requirement in subsection (~~(1)~~) (2) of this
4 section if:

5 (a) The law enforcement officer believes the juvenile is a victim
6 of trafficking as defined in RCW 9A.40.100; however, any information
7 obtained from the juvenile by law enforcement pursuant to this
8 subsection cannot be used in any prosecution of that juvenile; or

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

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

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

17 (~~(5)~~) (6) After the juvenile has consulted with legal counsel,
18 the juvenile may advise, direct a parent or guardian to advise, or
19 direct legal counsel to advise the law enforcement officer that the
20 juvenile chooses to assert a constitutional right. Any assertion of
21 constitutional rights by the juvenile through legal counsel must be
22 treated by a law enforcement officer as though it came from the
23 juvenile. The waiver of any constitutional rights of the juvenile may
24 only be made according to the requirements of RCW 13.40.140.

25 (~~(6)~~) (7) For purposes of this section, the following
26 definitions apply:

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

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

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