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**SENATE BILL 5686**

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**State of Washington 65th Legislature 2017 Regular Session**

**By** Senators Rivers, Ranker, Fain, and Keiser

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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