
SUBSTITUTE SENATE BILL 5937

State of Washington

68th Legislature

2024 Regular Session

By Senate Law & Justice (originally sponsored by Senators Dhingra, Braun, Hasegawa, Keiser, Kuderer, Lias, Lovelett, Lovick, Nguyen, Nobles, Stanford, Trudeau, Valdez, Wellman, and C. Wilson)

READ FIRST TIME 01/19/24.

1 AN ACT Relating to supporting crime victims and witnesses by
2 promoting victim-centered, trauma-informed responses; amending RCW
3 7.68.020, 7.68.060, 7.68.066, 7.68.080, 7.68.094, 7.68.170, 7.68.803,
4 7.69.010, 7.69.030, 9A.44.020, 9A.44.040, and 13.40.210; reenacting
5 and amending RCW 9A.04.080; adding a new section to chapter 7.68 RCW;
6 adding new sections to chapter 9A.44 RCW; adding a new section to
7 chapter 36.27 RCW; adding a new section to chapter 43.70 RCW; adding
8 a new section to chapter 70.125 RCW; prescribing penalties; and
9 providing an effective date.

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

11 **Sec. 1.** RCW 7.68.020 and 2020 c 274 s 1 are each amended to read
12 as follows:

13 The following words and phrases as used in this chapter have the
14 meanings set forth in this section unless the context otherwise
15 requires.

16 (1) "Accredited school" means a school or course of instruction
17 which is:

18 (a) Approved by the state superintendent of public instruction,
19 the state board of education, or the state board for community and
20 technical colleges; or

1 (b) Regulated or licensed as to course content by any agency of
2 the state or under any occupational licensing act of the state, or
3 recognized by the apprenticeship council under an agreement
4 registered with the apprenticeship council pursuant to chapter 49.04
5 RCW.

6 (2) "Average monthly wage" means the average annual wage as
7 determined under RCW 50.04.355 as now or hereafter amended divided by
8 twelve.

9 (3) "Beneficiary" means a husband, wife, registered domestic
10 partner, or child of a victim in whom shall vest a right to receive
11 payment under this chapter, except that a husband or wife of an
12 injured victim, living separate and apart in a state of abandonment,
13 regardless of the party responsible therefor, for more than one year
14 at the time of the injury or subsequently, shall not be a
15 beneficiary. A spouse who has lived separate and apart from the other
16 spouse for the period of two years and who has not, during that time,
17 received or attempted by process of law to collect funds for
18 maintenance, shall be deemed living in a state of abandonment.

19 (4) "Child" means every natural born child, posthumous child,
20 stepchild, child legally adopted prior to the injury, child born
21 after the injury where conception occurred prior to the injury, and
22 dependent child in the legal custody and control of the victim, all
23 while under the age of eighteen years, or under the age of twenty-
24 three years while permanently enrolled as a full-time student in an
25 accredited school, and over the age of eighteen years if the child is
26 a dependent as a result of a disability.

27 (5) "Consumer price index" means the consumer price index
28 compiled by the bureau of labor statistics, United States department
29 of labor for the state of Washington. If the bureau of labor
30 statistics develops more than one consumer price index for areas
31 within the state, the index covering the greatest number of people,
32 covering areas exclusively within the boundaries of the state, and
33 including all items must be used.

34 (6) "Criminal act" means an act committed or attempted in this
35 state, unless otherwise provided in this chapter, which is: (a)
36 Punishable as a federal offense that is comparable to a felony or
37 gross misdemeanor in this state; (b) punishable as a felony or gross
38 misdemeanor under the laws of this state; (c) an act committed
39 outside the state of Washington against a resident of the state of
40 Washington which would be compensable had it occurred inside this

1 state and the crime occurred in a state which does not have a crime
2 victims' compensation program, for which the victim is eligible as
3 set forth in the Washington compensation law; or (d) trafficking as
4 defined in RCW 9A.40.100. A "criminal act" does not include the
5 following:

6 (i) The operation of a motor vehicle, motorcycle, train, boat, or
7 aircraft in violation of law unless:

8 (A) The injury or death was intentionally inflicted;

9 (B) The operation thereof was part of the commission of another
10 nonvehicular criminal act as defined in this section;

11 (C) The death or injury was the result of the operation of a
12 motor vehicle after July 24, 1983, and one of the following applies:

13 (I) A preponderance of the evidence establishes that the death
14 was the result of vehicular homicide under RCW 46.61.520;

15 (II) The victim submits a copy of a certificate of probable cause
16 filed by the prosecutor stating that a vehicular assault under RCW
17 46.61.522 occurred;

18 (III) Charges have been filed against the defendant for vehicular
19 assault under RCW 46.61.522;

20 (IV) A conviction of vehicular assault under RCW 46.61.522 has
21 been obtained; or

22 (V) In cases where a probable criminal defendant has died in
23 perpetration of vehicular assault or, in cases where the perpetrator
24 of the vehicular assault is unascertainable because he or she left
25 the scene of the accident in violation of RCW 46.52.020 or, because
26 of physical or mental infirmity or disability the perpetrator is
27 incapable of standing trial for vehicular assault, the department
28 may, by a preponderance of the evidence, establish that a vehicular
29 assault had been committed and authorize benefits;

30 (D) The injury or death was caused by a driver in violation of
31 RCW 46.61.502; or

32 (E) The injury or death was caused by a driver in violation of
33 RCW 46.61.655(7) (a), failure to secure a load in the first degree;

34 (ii) Neither an acquittal in a criminal prosecution nor the
35 absence of any such prosecution is admissible in any claim or
36 proceeding under this chapter as evidence of the noncriminal
37 character of the acts giving rise to such claim or proceeding, except
38 as provided for in (d) (i) (C) of this subsection;

39 (iii) Evidence of a criminal conviction arising from acts which
40 are the basis for a claim or proceeding under this chapter is

1 admissible in such claim or proceeding for the limited purpose of
2 proving the criminal character of the acts; and

3 (iv) Acts which, but for the insanity or mental irresponsibility
4 of the perpetrator, would constitute criminal conduct are deemed to
5 be criminal conduct within the meaning of this chapter.

6 (7) "Department" means the department of labor and industries.

7 (8) "Financial support for lost wages" means a partial
8 replacement of lost wages due to a temporary or permanent total
9 disability.

10 (9) "Gainfully employed" means engaging on a regular and
11 continuous basis in a lawful activity from which a person derives a
12 livelihood.

13 (10) "Injury" means a sudden and tangible happening, of a
14 traumatic nature, producing an immediate or prompt result, and
15 occurring from without, and such physical conditions as result
16 therefrom.

17 (11) "Invalid" means one who is physically or mentally
18 incapacitated from earning wages.

19 (12) "Permanent total disability" means loss of both legs, or
20 arms, or one leg and one arm, total loss of eyesight, paralysis, or
21 other condition permanently incapacitating the victim from performing
22 any work at any gainful occupation.

23 (13) "Private insurance" means any source of recompense provided
24 by contract available as a result of the claimed injury or death at
25 the time of such injury or death, or which becomes available any time
26 thereafter.

27 (14) "Public insurance" means any source of recompense provided
28 by statute, state or federal, available as a result of the claimed
29 injury or death at the time of such injury or death, or which becomes
30 available any time thereafter.

31 (15) "Temporary total disability" means any condition that
32 temporarily incapacitates a victim from performing any type of
33 gainful employment as certified by the victim's attending physician.

34 (16) "Victim" means a person who suffers bodily injury or death
35 as a proximate result of a criminal act of another person, the
36 victim's own good faith and reasonable effort to prevent a criminal
37 act, or his or her good faith effort to apprehend a person reasonably
38 suspected of engaging in a criminal act. For the purposes of
39 receiving benefits pursuant to this chapter, "victim" is

1 interchangeable with "employee" or "worker" as defined in chapter
2 51.08 RCW as now or hereafter amended.

3 **Sec. 2.** RCW 7.68.060 and 2020 c 308 s 1 are each amended to read
4 as follows:

5 (1) Except for applications received pursuant to subsection (6)
6 of this section, no compensation of any kind shall be available under
7 this chapter if:

8 (a) An application for benefits is not received by the department
9 within three years after the date the criminal act was reported to a
10 local police department or sheriff's office or the date the rights of
11 beneficiaries accrued, unless the director has determined that "good
12 cause" exists to expand the time permitted to receive the
13 application. "Good cause" shall be determined by the department on a
14 case-by-case basis and may extend the period of time in which an
15 application can be received for up to five years after the date the
16 criminal act was reported to a local police department or sheriff's
17 office or the date the rights of beneficiaries accrued; or

18 (b) The criminal act is not reported by the victim or someone on
19 his or her behalf to a local police department or sheriff's office
20 within twelve months of its occurrence or, if it could not reasonably
21 have been reported within that period, within twelve months of the
22 time when a report could reasonably have been made. In making
23 determinations as to reasonable time limits, the department shall
24 give greatest weight to the needs of the victims.

25 (2) No person or spouse, child, or dependent of such person is
26 eligible for benefits under this chapter when the injury for which
27 benefits are sought was:

28 (a) The result of consent, provocation, or incitement by the
29 victim, unless an injury resulting from a criminal act caused the
30 death of the victim;

31 (b) Sustained while the crime victim was engaged in the attempt
32 to commit, or the commission of, a felony; or

33 (c) Sustained while the victim was confined in any county or city
34 jail, federal jail or prison or in any other federal institution, or
35 any state correctional institution maintained and operated by the
36 department of social and health services or the department of
37 corrections, prior to release from lawful custody; or confined or
38 living in any other institution maintained and operated by the

1 department of social and health services or the department of
2 corrections.

3 (3) ~~((N))~~ (a) Except as provided in (b) of this subsection, no
4 person or spouse, child, or dependent of such person is eligible for
5 benefits under this chapter where the person making a claim for such
6 benefits has refused to give reasonable cooperation to state or local
7 law enforcement agencies in their efforts to apprehend and convict
8 the perpetrator of the criminal act which gave rise to the claim.

9 (b) Victims of sexual assault, sex trafficking, or domestic
10 violence are eligible to receive benefits under this chapter
11 regardless of whether the person making a claim for such benefits has
12 refused to give reasonable cooperation to state or local law
13 enforcement agencies in their efforts to apprehend and convict the
14 perpetrator of the criminal act which gave rise to the claim as long
15 as the director determines such cooperation may be impacted due to a
16 victim's age, physical condition, psychological state, cultural or
17 linguistic barriers, or any other health or safety concern that
18 jeopardizes the victim's well-being.

19 (4) A victim is not eligible for benefits under this chapter if
20 the victim:

21 (a) Has been convicted of a felony offense within five years
22 preceding the criminal act for which the victim is applying where the
23 felony offense is a violent offense under RCW 9.94A.030 or a crime
24 against persons under RCW 9.94A.411, or is convicted of such a felony
25 offense after the criminal act for which the victim is applying; and

26 (b) Has not completely satisfied all legal financial obligations
27 owed.

28 (5) Because victims of childhood criminal acts may repress
29 conscious memory of such criminal acts far beyond the age of
30 eighteen, the rights of adult victims of childhood criminal acts
31 shall accrue at the time the victim discovers or reasonably should
32 have discovered the elements of the crime. In making determinations
33 as to reasonable time limits, the department shall give greatest
34 weight to the needs of the victim.

35 (6) (a) Benefits under this chapter are available to any victim of
36 a person against whom the state initiates proceedings under chapter
37 71.09 RCW. The right created under this subsection shall accrue when
38 the victim is notified of proceedings under chapter 71.09 RCW or the
39 victim is interviewed, deposed, or testifies as a witness in
40 connection with the proceedings. An application for benefits under

1 this subsection must be received by the department within two years
2 after the date the victim's right accrued unless the director
3 determines that good cause exists to expand the time to receive the
4 application. The director shall determine "good cause" on a case-by-
5 case basis and may extend the period of time in which an application
6 can be received for up to five years after the date the right of the
7 victim accrued. Benefits under this subsection shall be limited to
8 compensation for costs or losses incurred on or after the date the
9 victim's right accrues for a claim allowed under this subsection.

10 (b) A person identified as the "minor" in the charge of
11 commercial sexual abuse of a minor under RCW 9.68A.100, promoting
12 commercial sexual abuse of a minor under RCW 9.68A.101, or promoting
13 travel for commercial sexual abuse of a minor under RCW 9.68A.102 is
14 considered a victim of a criminal act for the purpose of the right to
15 benefits under this chapter even if the person is also charged with
16 prostitution under RCW 9A.88.030.

17 **Sec. 3.** RCW 7.68.066 and 2011 c 346 s 205 are each amended to
18 read as follows:

19 (1) The department may require that the victim present himself or
20 herself for a special medical examination by a physician or
21 physicians selected by the department, and the department may require
22 that the victim present himself or herself for a personal interview.
23 The costs of the examination or interview, including payment of any
24 reasonable round-trip travel expenses, shall be paid by the
25 department as part of the victim's total claim under RCW 7.68.070(1).

26 (2) The director may establish a medical bureau within the
27 department to perform medical examinations under this section.

28 (3) Where a dispute arises from the handling of any claim before
29 the condition of the injured victim becomes fixed, the victim may
30 request the department to resolve the dispute or the director may
31 initiate an inquiry on his or her own motion. In these cases, the
32 department shall proceed as provided in this section and an order
33 shall issue in accordance with RCW 51.52.050.

34 **Sec. 4.** RCW 7.68.080 and 2023 c 152 s 1 are each amended to read
35 as follows:

36 (1) When the injury to any victim is so serious as to require the
37 (~~victim's~~) victim being taken from the place of injury to a place
38 of treatment, reasonable transportation costs to and from the nearest

1 place of proper treatment to a reasonable location of the victim's
2 choice shall be reimbursed by the department as part of the victim's
3 total claim under RCW 7.68.070(1).

4 (2) In the case of alleged rape or molestation of a child, the
5 reasonable costs of a colposcopy examination shall be reimbursed by
6 the department. Costs for a colposcopy examination given under this
7 subsection shall not be included as part of the victim's total claim
8 under RCW 7.68.070(1).

9 (3) The director shall adopt rules for fees and charges for
10 hospital, clinic, medical, and other health care services, including
11 fees and costs for durable medical equipment, eyeglasses, hearing
12 aids, and other medically necessary devices for crime victims under
13 this chapter. The director shall set these service levels and fees at
14 a level no lower than those established for comparable services under
15 the workers' compensation program under Title 51 RCW, except the
16 director shall comply with the requirements of RCW 7.68.030(2)(g) (i)
17 through (iii) when setting service levels and fees, including
18 reducing levels and fees when required. In establishing fees for
19 medical and other health care services, the director shall consider
20 the director's duty to purchase health care in a prudent, cost-
21 effective manner. The director shall establish rules adopted in
22 accordance with chapter 34.05 RCW. Nothing in this chapter may be
23 construed to require the payment of interest on any billing, fee, or
24 charge.

25 (4) Whenever the director deems it necessary in order to resolve
26 any medical issue, a victim shall submit to examination by a
27 physician or physicians selected by the director, with the rendition
28 of a report to the person ordering the examination. The department
29 shall provide the physician performing an examination with all
30 relevant medical records from the victim's claim file. The director,
31 in his or her discretion, may charge the cost of such examination or
32 examinations to the crime victims' compensation fund. If the
33 examination is paid for by the victim, then the cost of said
34 examination shall be reimbursed to the victim for reasonable costs
35 connected with the examination as part of the victim's total claim
36 under RCW 7.68.070(1).

37 (5) Victims of sexual assault are eligible to receive appropriate
38 counseling. Fees for such counseling shall be determined by the
39 department. Counseling services may include, if determined

1 appropriate by the department, counseling of members of the victim's
2 immediate family, other than the perpetrator of the assault.

3 (6) (a) Immediate family members of a homicide victim may receive
4 appropriate counseling to assist in dealing with the immediate,
5 near-term consequences of the related effects of the homicide. Except
6 as provided in (b) of this subsection, up to 12 counseling sessions
7 may be received after the crime victim's claim has been allowed. Fees
8 for counseling shall be determined by the department in accordance
9 with and subject to this section. Payment of counseling benefits
10 under this section may not be provided to the perpetrator of the
11 homicide. The benefits under this subsection may be provided only
12 with respect to homicides committed on or after July 1, 1992.

13 (b) The immediate family members of a homicide victim may receive
14 more than 12 counseling sessions under this subsection (6) if a
15 licensed mental health provider determines that:

16 (i) Additional sessions are needed as a direct result of the
17 near-term consequences of the related effects of the homicide; and

18 (ii) The recipient of the counseling would benefit from
19 additional sessions.

20 (7) Pursuant to RCW 7.68.070(13), a victim of a sex offense that
21 occurred outside of Washington may be eligible to receive mental
22 health counseling related to participation in proceedings to civilly
23 commit a perpetrator.

24 (8) The crime victims' compensation program shall consider
25 payment of benefits solely for the effects of the criminal act.

26 (9) The legislature finds and declares it to be in the public
27 interest of the state of Washington that a proper regulatory and
28 inspection program be instituted in connection with the provision of
29 any services provided to crime victims pursuant to this chapter. In
30 order to effectively accomplish such purpose and to assure that the
31 victim receives such services as are paid for by the state of
32 Washington, the acceptance by the victim of such services, and the
33 request by a provider of services for reimbursement for providing
34 such services, shall authorize the director of the department or the
35 director's authorized representative to inspect and audit all records
36 in connection with the provision of such services. In the conduct of
37 such audits or investigations, the director or the director's
38 authorized representatives may:

39 (a) Examine all records, or portions thereof, including patient
40 records, for which services were rendered by a health care provider

1 and reimbursed by the department, notwithstanding the provisions of
2 any other statute which may make or purport to make such records
3 privileged or confidential, except that no original patient records
4 shall be removed from the premises of the health care provider, and
5 that the disclosure of any records or information obtained under
6 authority of this section by the department is prohibited and
7 constitutes a violation of RCW 42.52.050, unless such disclosure is
8 directly connected to the official duties of the department. The
9 disclosure of patient information as required under this section
10 shall not subject any physician, licensed advanced registered nurse
11 practitioner, or other health care provider to any liability for
12 breach of any confidential relationships between the provider and the
13 patient. The director or the director's authorized representative
14 shall destroy all copies of patient medical records in their
15 possession upon completion of the audit, investigation, or
16 proceedings;

17 (b) Approve or deny applications to participate as a provider of
18 services furnished to crime victims pursuant to this title;

19 (c) Terminate or suspend eligibility to participate as a provider
20 of services furnished to victims pursuant to this title; and

21 (d) Pursue collection of unpaid overpayments and/or penalties
22 plus interest accrued from health care providers pursuant to RCW
23 51.32.240(6).

24 (10) When contracting for health care services and equipment, the
25 department, upon request of a contractor, shall keep confidential
26 financial and valuable trade information, which shall be exempt from
27 public inspection and copying under chapter 42.56 RCW.

28 **Sec. 5.** RCW 7.68.094 and 2011 c 346 s 506 are each amended to
29 read as follows:

30 (1) Any victim eligible to receive any benefits or claiming such
31 under this title shall, if requested by the department submit himself
32 or herself for medical examination, at a time and from time to time,
33 at a place reasonably convenient for the victim as may be provided by
34 the rules of the department. An injured victim, whether an alien or
35 other injured victim, who is not residing in the United States at the
36 time that a medical examination is requested may be required to
37 submit to an examination at any location in the United States
38 determined by the department.

1 (2) If the victim refuses to submit to medical examination, or
2 obstructs the same, or, if any injured victim shall persist in
3 unsanitary or injurious practices which tend to imperil or retard his
4 or her recovery, or shall refuse to submit to such medical or
5 surgical treatment as is reasonably essential to his or her recovery
6 does not cooperate in reasonable efforts at such rehabilitation, the
7 department may suspend any further action on any claim of such victim
8 so long as such refusal, obstruction, noncooperation, or practice
9 continues and thus, the department may reduce, suspend, or deny any
10 compensation for such period. The department may not suspend any
11 further action on any claim of a victim or reduce, suspend, or deny
12 any compensation if a victim has good cause for refusing to submit to
13 or to obstruct any examination, evaluation, treatment, or practice
14 requested by the department or required under this section.

15 (3) If the victim necessarily incurs traveling expenses in
16 attending the examination pursuant to the request of the department,
17 such reasonable round-trip traveling expenses shall be repaid to him
18 or her upon proper voucher and audit.

19 (4) If the medical examination required by this section causes
20 the victim to be absent from his or her work without pay, the victim
21 shall be paid compensation in an amount equal to his or her usual
22 wages for the time lost from work while attending the medical
23 examination when the victim is insured by the department.

24 **Sec. 6.** RCW 7.68.170 and 1979 ex.s. c 219 s 11 are each amended
25 to read as follows:

26 No costs incurred by a hospital or other emergency medical
27 facility in Washington for the examination of the victim of a sexual
28 assault, whether such assault occurred in or outside the state of
29 Washington, when such examination is performed for the purposes of
30 gathering evidence for possible prosecution, shall be billed or
31 charged directly or indirectly to the victim of such assault. Such
32 costs shall be paid by the state pursuant to this chapter.

33 **Sec. 7.** RCW 7.68.803 and 2023 c 108 s 1 are each amended to read
34 as follows:

35 (1) No costs incurred by a hospital or other emergency medical
36 facility in Washington for the examination of the victim of domestic
37 violence assault involving nonfatal strangulation, whether such
38 assault occurred in or outside the state of Washington, when such

1 examination is performed for the purposes of gathering evidence for
2 possible prosecution, shall be billed or charged directly or
3 indirectly to the victim of such assault. Such costs shall be paid by
4 the state pursuant to this chapter.

5 (2) The department must notify the office of financial management
6 and the fiscal committees of the legislature if it projects that the
7 cost of services provided under this section exceeds the amount of
8 funding provided by the legislature solely for the purposes of this
9 section.

10 NEW SECTION. **Sec. 8.** A new section is added to chapter 7.68 RCW
11 to read as follows:

12 (1) As used in this section, "other state" and "another state"
13 includes the several states, territories, and possessions of the
14 United States, and the District of Columbia.

15 (2) (a) The director shall attempt to enter into an agreement with
16 any other state for reimbursement to the crime victims' compensation
17 fund if a nonresident of the state of Washington who is a victim of a
18 sexual assault or domestic violence assault involving nonfatal
19 strangulation that occurred in another state receives an examination
20 in this state pursuant to RCW 7.68.170 or 7.68.803.

21 (b) Following the completion of an agreement, the department
22 shall promptly make a report to the other state showing any costs
23 incurred by a hospital or other emergency medical facility paid by
24 this state pursuant to (a) of this subsection. The department shall
25 ensure that no information related to the provision, receipt,
26 attempted provision or receipt, assistance in the provision or
27 receipt, or attempted assistance in the provision or receipt of
28 protected health care services as defined in RCW 7.115.010 is
29 provided to any state whose law is against the public policy of the
30 state of Washington as provided in RCW 7.115.020.

31 (3) The director is hereby authorized to receive reimbursements
32 to the crime victims' compensation fund from another state pursuant
33 to this section.

34 **Sec. 9.** RCW 7.69.010 and 1985 c 443 s 1 are each amended to read
35 as follows:

36 In recognition of the severe and detrimental impact of crime on
37 victims, survivors of victims, and witnesses of crime and the civic
38 and moral duty of victims, survivors of victims, and witnesses of

1 crimes to fully and voluntarily cooperate with law enforcement and
2 prosecutorial agencies, and in further recognition of the continuing
3 importance of such citizen cooperation to state and local law
4 enforcement efforts and the general effectiveness and well-being of
5 the criminal justice system of this state, the legislature declares
6 its intent, in this chapter, to grant to the victims of crime and the
7 survivors of such victims a significant role, including enhanced
8 accessibility, in the criminal justice system. The legislature
9 further intends to ensure that all victims and witnesses of crime are
10 treated with dignity, respect, courtesy, and sensitivity; ensure that
11 all victims and witnesses are afforded access to justice to
12 participate in criminal justice proceedings, including the
13 opportunity to participate and attend court hearings in person or
14 remotely, including by video or other electronic means as available
15 in the local jurisdiction; and that the rights extended in this
16 chapter to victims, survivors of victims, and witnesses of crime are
17 honored (~~and~~), protected, and upheld by law enforcement agencies,
18 prosecutors, and judges in a manner no less vigorous than the
19 protections afforded criminal defendants.

20 **Sec. 10.** RCW 7.69.030 and 2023 c 197 s 11 are each amended to
21 read as follows:

22 (1) There shall be a reasonable effort made to ensure that
23 victims, survivors of victims, and witnesses of crimes have the
24 following rights, which apply to any adult or juvenile criminal
25 proceeding and any civil commitment proceeding under chapter 10.77 or
26 71.09 RCW:

27 (a) With respect to victims of violent or sex crimes, to receive,
28 at the time of reporting the crime to law enforcement officials, a
29 written statement of the rights of crime victims as provided in this
30 chapter. The written statement shall include the name, address, and
31 telephone number of a county or local crime victim/witness program,
32 if such a crime victim/witness program exists in the county;

33 (b) To be informed, by local law enforcement agencies or the
34 prosecuting attorney, that charges have been filed, the defendant has
35 been found not competent to stand trial and referred for restoration
36 services, and of the final disposition of the case, in which the
37 victim, survivor, or witness is involved;

1 (c) To be notified by the party who issued the subpoena that a
2 court proceeding to which they have been subpoenaed will not occur as
3 scheduled, in order to save the person an unnecessary trip to court;

4 (d) To receive protection from harm and threats of harm arising
5 out of cooperation with law enforcement and prosecution efforts, and
6 to be provided with information as to the level of protection
7 available;

8 (e) To be informed of the procedure to be followed to apply for
9 and receive any witness fees to which they are entitled;

10 (f) To be provided, whenever practical, a secure waiting area
11 during court proceedings that does not require them to be in close
12 proximity to defendants and families or friends of defendants;

13 (g) To have any stolen or other personal property expeditiously
14 returned by law enforcement agencies or the superior court when no
15 longer needed as evidence. When feasible, all such property, except
16 weapons, currency, contraband, property subject to evidentiary
17 analysis, and property of which ownership is disputed, shall be
18 photographed and returned to the owner within ten days of being
19 taken;

20 (h) To be provided with appropriate employer intercession
21 services to ensure that employers of victims, survivors of victims,
22 and witnesses of crime will cooperate with the criminal justice
23 process or the civil commitment process under chapter 10.77 or 71.09
24 RCW in order to minimize an employee's loss of pay and other benefits
25 resulting from court appearance;

26 (i) To have access to immediate medical assistance and not to be
27 detained for an unreasonable length of time by a law enforcement
28 agency before having such assistance administered. However, an
29 employee of the law enforcement agency may, if necessary, accompany
30 the person to a medical facility to question the person about the
31 criminal incident if the questioning does not hinder the
32 administration of medical assistance. Victims of domestic violence,
33 sexual assault, or stalking, as defined in RCW 49.76.020, shall be
34 notified of their right to reasonable leave from employment under
35 chapter 49.76 RCW;

36 (j) With respect to victims of violent and sex crimes, to have a
37 crime victim advocate from a crime victim/witness program, or any
38 other support person of the victim's choosing, present at any
39 prosecutorial or defense interviews with the victim, and at any
40 judicial proceedings related to criminal acts committed against the

1 victim. This subsection applies if practical and if the presence of
2 the crime victim advocate or support person does not cause any
3 unnecessary delay in the investigation or prosecution of the case.
4 The role of the crime victim advocate is to provide emotional support
5 to the crime victim;

6 (k) With respect to victims and survivors of victims, may attend
7 court proceedings or required interviews in person or remotely,
8 including by video or other electronic means, as available in the
9 local jurisdiction, to ensure access to justice to participate in
10 criminal justice proceedings. Remote access is not to circumvent a
11 victim's or survivor of a victim's right to be physically present in
12 court during trial, or if subpoenaed to testify, to be scheduled as
13 early as practical in the proceedings in order to be physically
14 present during trial after testifying and not to be excluded solely
15 because they have testified;

16 (l) With respect to victims and survivors of victims in any
17 felony case, any case involving domestic violence, or any final
18 determination under chapter 10.77 or 71.09 RCW, to be informed by the
19 prosecuting attorney of the date, time, and place of the trial and of
20 the sentencing hearing or disposition hearing upon request by a
21 victim or survivor;

22 (m) To submit a victim impact statement or report to the court,
23 with the assistance of the prosecuting attorney if requested, which
24 shall be included in all presentence reports and permanently included
25 in the files and records accompanying the offender committed to the
26 custody of a state agency or institution;

27 (n) With respect to victims and survivors of victims in any
28 felony case or any case involving domestic violence, to present a
29 statement, personally or by representation, at the sentencing
30 hearing; and

31 (o) With respect to victims and survivors of victims, to entry of
32 an order of restitution by the court in all felony cases, even when
33 the offender is sentenced to confinement, unless extraordinary
34 circumstances exist which make restitution inappropriate in the
35 court's judgment.

36 (2) If a victim, survivor of a victim, or witness of a crime is
37 denied a right under this section, the person may seek an order
38 directing compliance by the relevant party or parties by filing a
39 petition in the superior court in the county in which the crime
40 occurred and providing notice of the petition to the relevant party

1 or parties. Compliance with the right is the sole available remedy.
2 The court shall expedite consideration of a petition filed under this
3 subsection.

4 **Sec. 11.** RCW 9A.04.080 and 2023 c 197 s 8 and 2023 c 122 s 8 are
5 each reenacted and amended to read as follows:

6 (1) Prosecutions for criminal offenses shall not be commenced
7 after the periods prescribed in this section.

8 (a) The following offenses may be prosecuted at any time after
9 their commission:

10 (i) Murder;

11 (ii) Homicide by abuse;

12 (iii) Arson if a death results;

13 (iv) Vehicular homicide;

14 (v) Vehicular assault if a death results;

15 (vi) Hit-and-run injury-accident if a death results (RCW
16 46.52.020(4));

17 (vii) Rape in the first degree (RCW 9A.44.040) if the victim is
18 under the age of sixteen;

19 (viii) Rape in the second degree (RCW 9A.44.050) if the victim is
20 under the age of sixteen;

21 (ix) Rape of a child in the first degree (RCW 9A.44.073);

22 (x) Rape of a child in the second degree (RCW 9A.44.076);

23 (xi) Rape of a child in the third degree (RCW 9A.44.079);

24 (xii) Sexual misconduct with a minor in the first degree (RCW
25 9A.44.093);

26 (xiii) Custodial sexual misconduct in the first degree (RCW
27 9A.44.160);

28 (xiv) Child molestation in the first degree (RCW 9A.44.083);

29 (xv) Child molestation in the second degree (RCW 9A.44.086);

30 (xvi) Child molestation in the third degree (RCW 9A.44.089);

31 ((and))

32 (xvii) Sexual exploitation of a minor (RCW 9.68A.040);

33 (xviii) Rape in the first degree (RCW 9A.44.040) if the
34 perpetrator is a first responder as defined in RCW 70.54.430 and if
35 the first responder used the first responder's position to facilitate
36 the commission of the offense;

37 (xix) Rape in the second degree (RCW 9A.44.050) if the
38 perpetrator is a first responder as defined in RCW 70.54.430 and if

1 the first responder used the first responder's position to facilitate
2 the commission of the offense; and

3 (xx) Rape in the third degree (RCW 9A.44.060) if the perpetrator
4 is a first responder as defined in RCW 70.54.430 and if the first
5 responder used the first responder's position to facilitate the
6 commission of the offense.

7 (b) Except as provided in (a) of this subsection, the following
8 offenses may not be prosecuted more than twenty years after its
9 commission:

- 10 (i) Rape in the first degree (RCW 9A.44.040);
11 (ii) Rape in the second degree (RCW 9A.44.050); or
12 (iii) Indecent liberties (RCW 9A.44.100).

13 (c) The following offenses may not be prosecuted more than ten
14 years after its commission:

15 (i) Any felony committed by a public officer if the commission is
16 in connection with the duties of his or her office or constitutes a
17 breach of his or her public duty or a violation of the oath of
18 office;

- 19 (ii) Arson if no death results;
20 (iii) Rape in the third degree (RCW 9A.44.060);
21 (iv) Attempted murder; or
22 (v) Trafficking under RCW 9A.40.100.

23 (d) A violation of any offense listed in this subsection (1)(d)
24 may be prosecuted up to ten years after its commission or, if
25 committed against a victim under the age of eighteen, up to the
26 victim's thirtieth birthday, whichever is later:

- 27 (i) RCW 9.68A.100 (commercial sexual abuse of a minor);
28 (ii) RCW 9.68A.101 (promoting commercial sexual abuse of a
29 minor);
30 (iii) RCW 9.68A.102 (promoting travel for commercial sexual abuse
31 of a minor); or
32 (iv) RCW 9A.64.020 (incest).

33 (e) A violation of RCW 9A.36.170 may be prosecuted up to 10 years
34 after its commission, or if committed against a victim under the age
35 of 18, up to the victim's 28th birthday, whichever is later.

36 (f) The following offenses may not be prosecuted more than six
37 years after its commission or discovery, whichever occurs later:

- 38 (i) Violations of RCW 9A.82.060 or 9A.82.080;
39 (ii) Any felony violation of chapter 9A.83 RCW;
40 (iii) Any felony violation of chapter 9.35 RCW;

1 (iv) Theft in the first or second degree under chapter 9A.56 RCW
2 when accomplished by color or aid of deception;

3 (v) Theft from a vulnerable adult under RCW 9A.56.400;

4 (vi) Trafficking in stolen property in the first or second degree
5 under chapter 9A.82 RCW in which the stolen property is a motor
6 vehicle or major component part of a motor vehicle as defined in RCW
7 46.80.010; or

8 (vii) Violations of RCW 82.32.290 (2)(a)(iii) or (4).

9 (g) The following offenses may not be prosecuted more than five
10 years after its commission: Any class C felony under chapter 74.09,
11 82.36, or 82.38 RCW.

12 (h) Bigamy may not be prosecuted more than three years after the
13 time specified in RCW 9A.64.010.

14 (i) A violation of RCW 9A.56.030 may not be prosecuted more than
15 three years after the discovery of the offense when the victim is a
16 tax exempt corporation under 26 U.S.C. Sec. 501(c)(3).

17 (j) No other felony may be prosecuted more than three years after
18 its commission; except that in a prosecution under RCW 9A.44.115, if
19 the person who was viewed, photographed, or filmed did not realize at
20 the time that he or she was being viewed, photographed, or filmed,
21 the prosecution must be commenced within two years of the time the
22 person who was viewed or in the photograph or film first learns that
23 he or she was viewed, photographed, or filmed.

24 (k) No gross misdemeanor, except as provided under (e) of this
25 subsection, may be prosecuted more than two years after its
26 commission.

27 (1) No misdemeanor may be prosecuted more than one year after its
28 commission.

29 (2) The periods of limitation prescribed in subsection (1) of
30 this section do not run during any time when the person charged is
31 not usually and publicly resident within this state.

32 (3) In any prosecution for a sex offense as defined in RCW
33 9.94A.030, the periods of limitation prescribed in subsection (1) of
34 this section run from the date of commission or four years from the
35 date on which the identity of the suspect is conclusively established
36 by deoxyribonucleic acid testing or by photograph as defined in RCW
37 9.68A.011, whichever is later.

38 (4) If, before the end of a period of limitation prescribed in
39 subsection (1) of this section, an indictment has been found or a
40 complaint or an information has been filed, and the indictment,

1 complaint, or information is set aside, then the period of limitation
2 is extended by a period equal to the length of time from the finding
3 or filing to the setting aside.

4 **Sec. 12.** RCW 9A.44.020 and 2023 c 197 s 10 are each amended to
5 read as follows:

6 (1) In order to convict a person of any crime defined in this
7 chapter it shall not be necessary that the testimony of the alleged
8 victim be corroborated.

9 (2) Evidence of the victim's past sexual behavior including but
10 not limited to the victim's marital history; divorce history; general
11 reputation for promiscuity, nonchastity, or sexual mores contrary to
12 community standards; or, unless it is related to the alleged offense,
13 social media account, including any text, image, video, or picture,
14 which depict sexual content, sexual history, nudity or partial
15 nudity, intimate sexual activity, communications about sexual
16 activity, communications about sex, sexual fantasies, and other
17 information that appeals to a prurient interest is inadmissible on
18 the issue of credibility and is inadmissible to prove the victim's
19 consent except as provided in subsection (3) of this section, but
20 when the perpetrator and the victim have engaged in sexual
21 intercourse with each other in the past, and when the past behavior
22 is material to the issue of consent, evidence concerning the past
23 behavior between the perpetrator and the victim may be admissible on
24 the issue of consent to the offense.

25 (3) In any prosecution for the crime of rape, trafficking
26 pursuant to RCW 9A.40.100, or any of the offenses in chapter 9.68A
27 RCW, or for an attempt to commit, or an assault with an intent to
28 commit any such crime evidence of the victim's past sexual behavior
29 including but not limited to the victim's marital behavior; divorce
30 history; general reputation for promiscuity, nonchastity, or sexual
31 mores contrary to community standards; or, unless it is related to
32 the alleged offense, social media account, including any text, image,
33 video, or picture, which depict sexual content, sexual history,
34 nudity or partial nudity, intimate sexual activity, communications
35 about sexual activity, communications about sex, sexual fantasies,
36 and other information that appeals to a prurient interest is not
37 admissible if offered to attack the credibility of the victim and is
38 admissible on the issue of consent, except where prohibited in the

1 underlying criminal offense, only pursuant to the following
2 procedure:

3 (a) A written pretrial motion shall be made in advance of the
4 trial date by the defendant to the court and prosecutor stating that
5 the defense has an offer of proof of the relevancy of evidence of the
6 past sexual behavior of the victim proposed to be presented and its
7 relevancy on the issue of the consent of the victim.

8 (b) The written motion shall be accompanied by an affidavit or
9 affidavits in which the offer of proof shall be stated.

10 (c) If the court finds that the offer of proof is sufficient, the
11 court shall order a hearing out of the presence of the jury before
12 the jury is empaneled, if any, and the hearing shall be closed except
13 to the necessary witnesses, the defendant, counsel, and those who
14 have a direct interest in the case or in the work of the court.

15 (d) At the conclusion of the hearing, if the court finds that the
16 evidence proposed to be offered by the defendant regarding the past
17 sexual behavior of the victim is relevant to the issue of the
18 victim's consent; is not inadmissible because its probative value is
19 substantially outweighed by the probability that its admission will
20 create a substantial danger of undue prejudice; and that its
21 exclusion would result in denial of substantial justice to the
22 defendant; the court shall make an order stating what evidence may be
23 introduced by the defendant, which order may include the nature of
24 the questions to be permitted. The defendant may then offer evidence
25 pursuant to the order of the court.

26 (e) The victim, the victim's attorney, a lawful representative of
27 the victim, or the prosecutor, may assert and seek enforcement of the
28 procedures under this section.

29 (4) Nothing in this section shall be construed to prohibit cross-
30 examination of the victim on the issue of past sexual behavior when
31 the prosecution presents evidence in its case in chief tending to
32 prove the nature of the victim's past sexual behavior, but the court
33 may require a hearing pursuant to subsection (3) of this section
34 concerning such evidence.

35 **Sec. 13.** RCW 9A.44.040 and 1998 c 242 s 1 are each amended to
36 read as follows:

37 (1) A person is guilty of rape in the first degree when such
38 person engages in sexual intercourse with another person ~~((by))~~ :

39 (a) By forcible compulsion where the perpetrator or an accessory:

1 ~~((a))~~ (i) Uses or threatens to use a deadly weapon or what
2 appears to be a deadly weapon; or

3 ~~((b))~~ (ii) Kidnaps the victim; or

4 ~~((c))~~ (iii) Inflicts serious physical injury, including but not
5 limited to physical injury which renders the victim unconscious; or

6 ~~((d))~~ (iv) Feloniously enters into the building or vehicle
7 where the victim is situated, or where the sexual intercourse occurs;
8 or

9 (b) When the victim is incapable of consent by reason of being
10 physically helpless or mentally incapacitated as a result of the
11 perpetrator or an accessory:

12 (i) Willfully placing any substance in any food, drink, medicine,
13 other edible substance, or vapor product intended or prepared for the
14 use of a human being; or

15 (ii) Knowingly furnishing any food, drink, medicine, other edible
16 substance, or vapor product containing a substance to the victim,
17 with intent to make physically helpless or mentally incapacitate
18 another person.

19 (2) Rape in the first degree is a class A felony.

20 (3) For purposes of this section, "vapor product" has the same
21 meaning as provided in RCW 70.345.010.

22 NEW SECTION. Sec. 14. A new section is added to chapter 9A.44
23 RCW to read as follows:

24 (1) In a criminal proceeding, a depiction of a victim's genitals
25 that was created during a sexual assault medical forensic
26 examination, regardless of its format:

27 (a) Shall not be shown in open judicial proceedings; and

28 (b) Must be filed as a confidential document within the court
29 file.

30 (2) An expert witness in a criminal proceeding may inspect, view,
31 examine, and provide testimony on a depiction of a victim's genitals
32 that was created during a sexual assault medical forensic
33 examination.

34 (3) All depictions of a victim that was created during a sexual
35 assault medical forensic examination must be filed as a confidential
36 document within the court file.

37 NEW SECTION. Sec. 15. A new section is added to chapter 9A.44
38 RCW to read as follows:

1 (1) Whenever a depiction of a victim or a victim's genitals that
2 was created during a sexual assault medical forensic examination,
3 regardless of its format, is marked as an exhibit in a criminal
4 proceeding, the prosecutor shall seek an order sealing the exhibit at
5 the close of the trial. Any exhibits sealed under this section shall
6 be sealed with evidence tape in a manner that prevents access to, or
7 viewing of, the depiction of a victim or a victim's genitals that was
8 created during a sexual assault medical forensic examination and
9 shall be labeled so as to identify its contents. Anyone seeking to
10 view such an exhibit must obtain permission from the superior court
11 after providing at least 10 days' notice to the prosecuting attorney.
12 Appellate attorneys for the defendant and the state shall be given
13 access to the exhibit, which must remain in the care and custody of
14 either a law enforcement agency or the court. Any other person moving
15 to view such an exhibit must demonstrate to the court that the
16 person's reason for viewing the exhibit is of sufficient importance
17 to justify another violation of the victim's privacy.

18 (2) Whenever the clerk of the court receives an exhibit of a
19 depiction of a victim or a victim's genitals that was created during
20 a sexual assault medical forensic examination, the clerk shall store
21 the exhibit in a secure location, such as a safe. The clerk may
22 arrange for the transfer of such exhibits to a law enforcement agency
23 evidence room for safekeeping provided the agency agrees not to
24 destroy or dispose of the exhibits without an order of the court.

25 (3) If the criminal proceeding ends in a conviction, the clerk of
26 the court shall destroy any exhibit containing a depiction of a
27 victim or a victim's genitals that was created during a sexual
28 assault medical forensic examination five years after the judgment is
29 final, as determined by the provisions of RCW 10.73.090(3). Before
30 any destruction, the clerk shall contact the prosecuting attorney and
31 verify that there is no collateral attack on the judgment pending in
32 any court. If the criminal proceeding ends in a mistrial, the clerk
33 shall either maintain the exhibit or return it to the law enforcement
34 agency that investigated the criminal charges for safekeeping until
35 the matter is set for retrial. If the criminal proceeding ends in an
36 acquittal, the clerk shall return the exhibit to the law enforcement
37 agency that investigated the criminal charges for either safekeeping
38 or destruction.

1 **Sec. 16.** RCW 13.40.210 and 2023 c 150 s 9 are each amended to
2 read as follows:

3 (1) The secretary shall set a release date for each juvenile
4 committed to its custody. The release date shall be within the
5 prescribed range to which a juvenile has been committed under RCW
6 13.40.0357 or 13.40.030 except as provided in RCW 13.40.320
7 concerning offenders the department determines are eligible for the
8 juvenile offender basic training camp program. Such dates shall be
9 determined prior to the expiration of sixty percent of a juvenile's
10 minimum term of confinement included within the prescribed range to
11 which the juvenile has been committed. The secretary shall release
12 any juvenile committed to the custody of the department within four
13 calendar days prior to the juvenile's release date or on the release
14 date set under this chapter. Days spent in the custody of the
15 department shall be tolled by any period of time during which a
16 juvenile has absented himself or herself from the department's
17 supervision without the prior approval of the secretary or the
18 secretary's designee.

19 (2) The secretary shall monitor the average daily population of
20 the state's juvenile residential facilities. When the secretary
21 concludes that in-residence population of residential facilities
22 exceeds one hundred five percent of the rated bed capacity specified
23 in statute, or in absence of such specification, as specified by the
24 department in rule, the secretary may recommend reductions to the
25 governor. On certification by the governor that the recommended
26 reductions are necessary, the secretary has authority to
27 administratively release a sufficient number of offenders to reduce
28 in-residence population to one hundred percent of rated bed capacity.
29 The secretary shall release those offenders who have served the
30 greatest proportion of their sentence. However, the secretary may
31 deny release in a particular case at the request of an offender, or
32 if the secretary finds that there is no responsible custodian, as
33 determined by the department, to whom to release the offender, or if
34 the release of the offender would pose a clear danger to society. The
35 department shall notify the committing court of the release at the
36 time of release if any such early releases have occurred as a result
37 of excessive in-residence population. In no event shall an offender
38 adjudicated of a violent offense be granted release under the
39 provisions of this subsection.

1 (3) (a) Following the release of any juvenile under subsection (1)
2 of this section, the secretary may require the juvenile to comply
3 with a program of parole to be administered by the department in his
4 or her community which shall last no longer than eighteen months,
5 except that in the case of a juvenile sentenced for a sex offense as
6 defined under RCW 9.94A.030 the period of parole shall be twenty-four
7 months and, in the discretion of the secretary, may be up to thirty-
8 six months when the secretary finds that an additional period of
9 parole is necessary and appropriate in the interests of public safety
10 or to meet the ongoing needs of the juvenile. A parole program is
11 mandatory for offenders released under subsection (2) of this section
12 and for offenders who receive a juvenile residential commitment
13 sentence for theft of a motor vehicle, possession of a stolen motor
14 vehicle, or taking a motor vehicle without permission 1. A juvenile
15 adjudicated for unlawful possession of a firearm, possession of a
16 stolen firearm, theft of a firearm, or drive-by shooting may
17 participate in aggression replacement training, functional family
18 therapy, or functional family parole aftercare if the juvenile meets
19 eligibility requirements for these services. The decision to place an
20 offender in an evidence-based parole program shall be based on an
21 assessment by the department of the offender's risk for reoffending
22 upon release and an assessment of the ongoing treatment needs of the
23 juvenile. The department shall prioritize available parole resources
24 to provide supervision and services to offenders at moderate to high
25 risk for reoffending.

26 (b) The secretary shall, for the period of parole, facilitate the
27 juvenile's reintegration into his or her community and to further
28 this goal shall require the juvenile to refrain from possessing a
29 firearm or using a deadly weapon, and refrain from committing new
30 offenses or violating any orders issued by the juvenile court
31 pursuant to chapter 7.105 RCW, and may require the juvenile to: (i)
32 Undergo available medical, psychiatric, drug and alcohol, sex
33 offender, mental health, and other offense-related treatment
34 services; (ii) report as directed to a parole officer and/or
35 designee; (iii) pursue a course of study, vocational training, or
36 employment; (iv) notify the parole officer of the current address
37 where he or she resides; (v) be present at a particular address
38 during specified hours; (vi) remain within prescribed geographical
39 boundaries; (vii) submit to electronic monitoring; (viii) refrain
40 from using illegal drugs and alcohol, and submit to random urinalysis

1 when requested by the assigned parole officer; (ix) refrain from
2 contact with specific individuals or a specified class of
3 individuals; (x) meet other conditions determined by the parole
4 officer to further enhance the juvenile's reintegration into the
5 community; (xi) pay any court-ordered fines or restitution; and (xii)
6 perform community restitution. Community restitution for the purpose
7 of this section means compulsory service, without compensation,
8 performed for the benefit of the community by the offender. Community
9 restitution may be performed through public or private organizations
10 or through work crews.

11 (c) The secretary may further require up to twenty-five percent
12 of the highest risk juvenile offenders who are placed on parole to
13 participate in an intensive supervision program. Offenders
14 participating in an intensive supervision program shall be required
15 to comply with all terms and conditions listed in (b) of this
16 subsection and shall also be required to comply with the following
17 additional terms and conditions: (i) Obey all laws and refrain from
18 any conduct that threatens public safety; (ii) report at least once a
19 week to an assigned community case manager; and (iii) meet all other
20 requirements imposed by the community case manager related to
21 participating in the intensive supervision program. As a part of the
22 intensive supervision program, the secretary may require day
23 reporting.

24 (d) After termination of the parole period, the juvenile shall be
25 discharged from the department's supervision.

26 (4) (a) The department may also modify parole for violation
27 thereof. If, after affording a juvenile all of the due process rights
28 to which he or she would be entitled if the juvenile were an adult,
29 the secretary finds that a juvenile has violated a condition of his
30 or her parole, the secretary shall order one of the following which
31 is reasonably likely to effectuate the purpose of the parole and to
32 protect the public: (i) Continued supervision under the same
33 conditions previously imposed; (ii) intensified supervision with
34 increased reporting requirements; (iii) additional conditions of
35 supervision authorized by this chapter; (iv) except as provided in
36 (a) (v) and (vi) of this subsection, imposition of a period of
37 confinement not to exceed thirty days in a facility operated by or
38 pursuant to a contract with the state of Washington or any city or
39 county for a portion of each day or for a certain number of days each
40 week with the balance of the days or weeks spent under supervision;

1 (v) the secretary may order any of the conditions or may return the
2 offender to confinement for the remainder of the sentence range if
3 the offense for which the offender was sentenced is rape in the first
4 or second degree, rape of a child in the first or second degree,
5 child molestation in the first degree, indecent liberties with
6 forcible compulsion, or a sex offense that is also a serious violent
7 offense as defined by RCW 9.94A.030; and (vi) the secretary may order
8 any of the conditions or may return the offender to confinement for
9 the remainder of the sentence range if the youth has completed the
10 basic training camp program as described in RCW 13.40.320.

11 (b) The secretary may modify parole and order any of the
12 conditions or may return the offender to confinement for up to
13 twenty-four weeks if the offender was sentenced for a sex offense as
14 defined under RCW 9A.44.128 and is known to have violated the terms
15 of parole. Confinement beyond thirty days is intended to only be used
16 for a small and limited number of sex offenders. It shall only be
17 used when other graduated sanctions or interventions have not been
18 effective or the behavior is so egregious it warrants the use of the
19 higher level intervention and the violation: (i) Is a known pattern
20 of behavior consistent with a previous sex offense that puts the
21 youth at high risk for reoffending sexually; (ii) consists of sexual
22 behavior that is determined to be predatory as defined in RCW
23 71.09.020; or (iii) requires a review under chapter 71.09 RCW, due to
24 a recent overt act. The total number of days of confinement for
25 violations of parole conditions during the parole period shall not
26 exceed the number of days provided by the maximum sentence imposed by
27 the disposition for the underlying offense pursuant to RCW
28 13.40.0357. The department shall not aggregate multiple parole
29 violations that occur prior to the parole revocation hearing and
30 impose consecutive twenty-four week periods of confinement for each
31 parole violation. The department is authorized to engage in rule
32 making pursuant to chapter 34.05 RCW, to implement this subsection,
33 including narrowly defining the behaviors that could lead to this
34 higher level intervention.

35 (c) If the department finds that any juvenile in a program of
36 parole has possessed a firearm or used a deadly weapon during the
37 program of parole, the department shall modify the parole under (a)
38 of this subsection and confine the juvenile for at least thirty days.
39 Confinement shall be in a facility operated by or pursuant to a
40 contract with the state or any county.

1 (5) A parole officer of the department of children, youth, and
2 families shall have the power to arrest a juvenile under his or her
3 supervision on the same grounds as a law enforcement officer would be
4 authorized to arrest the person.

5 (6) If so requested and approved under chapter 13.06 RCW, the
6 secretary shall permit a county or group of counties to perform
7 functions under subsections (3) through (5) of this section.

8 NEW SECTION. **Sec. 17.** A new section is added to chapter 36.27
9 RCW to read as follows:

10 (1) The prosecuting attorney of each county in the state of
11 Washington must coordinate the establishment of a multidisciplinary
12 team to address adult sexual assault or coordinate with other local
13 jurisdictions to ensure that resources are available to adult victims
14 of sexual assault.

15 (2) The multidisciplinary team established in subsection (1) of
16 this section must meet at least annually to develop protocols and
17 responses to adult sexual assault.

18 (3) The prosecuting attorney of each county in the state of
19 Washington shall invite the following members to participate in the
20 multidisciplinary team established in subsection (1) of this section:

21 (a) The sheriff of the county or the sheriff's designee;

22 (b) One member representing survivors of sexual assault;

23 (c) One member who is a sexual assault nurse examiner;

24 (d) One member who is a sexual assault advocate from an
25 accredited community sexual assault program;

26 (e) One member of a culturally specific sexual assault services
27 program, if available;

28 (f) One member from a local hospital or other emergency medical
29 facility; and

30 (g) In the discretion of the prosecuting attorney, any other
31 person who would advance the purpose of the multidisciplinary team.

32 NEW SECTION. **Sec. 18.** A new section is added to chapter 43.70
33 RCW to read as follows:

34 (1) Subject to the availability of amounts appropriated for this
35 specific purpose, the department of health hereby creates a program
36 to ensure statewide forensic nurse coordination.

37 (2) The statewide forensic nurse coordination program shall:

1 (a) Provide technical assistance to adult, adolescent, and
2 pediatric sexual assault nurse examiner programs and forensic nurse
3 examiner programs across the state;

4 (b) Identify and alleviate barriers faced by hospitals relating
5 to creating, maintaining, or operating adult adolescent, or pediatric
6 sexual assault nurse examiner programs or forensic nurse examiner
7 programs;

8 (c) Conduct a statewide needs assessment of adult, adolescent,
9 and pediatric sexual assault nurse examiner programs and forensic
10 nurse examiner programs;

11 (d) Provide and maintain centralized resources for adult,
12 adolescent, and pediatric sexual assault nurse examiners and forensic
13 nurse examiners;

14 (e) Oversee the supply, distribution, and content of Washington
15 standardized sexual assault kits;

16 (f) Develop and update standards of care for forensic exams and
17 documentation;

18 (g) Assess and maintain standards for forensic nurse training
19 curriculum for ongoing and didactic training, including
20 preceptorship, by:

21 (i) Providing technical assistance to promote consistent
22 trainings across the state with variances as needed;

23 (ii) Providing information on trauma-informed and cultural
24 competency standards; and

25 (iii) Facilitating surveys and other mechanisms to provide
26 forensic exam patients the ability to give feedback on the patients'
27 experiences that can be used to enhance forensic nurse training
28 standards;

29 (h) Coordinate statewide forensic nurse trainings;

30 (i) Develop standardized forensic nurse training videos for
31 hospitals and perform on-site trainings at hospitals;

32 (j) Develop plans to ensure statewide coverage and availability
33 of adult, adolescent, and pediatric sexual assault nurse examiners
34 and forensic nurse examiners;

35 (k) Maintain and collect data on the availability of adult,
36 adolescent, and pediatric sexual assault nurse examiners and forensic
37 nurse examiners;

38 (l) Coordinate with victim advocacy services;

1 (m) Provide organizational and capacity building support to
2 adult, adolescent, and pediatric sexual assault nurse examiner
3 programs and forensic nurse examiner programs; and

4 (n) Integrate resources for victims of sexual assault into
5 existing local or state referral hotlines.

6 NEW SECTION. **Sec. 19.** A new section is added to chapter 70.125
7 RCW to read as follows:

8 (1) Any minor age 13 years or older may consent to a sexual
9 assault forensic examination conducted for the purposes of gathering
10 evidence for possible prosecution.

11 (2) Any minor age 13 years or older may give consent to the
12 furnishing of hospital, medical, and surgical care for any sexually
13 transmitted disease or suspected sexually transmitted disease as a
14 result of a sexual assault.

15 NEW SECTION. **Sec. 20.** If any provision of this act or its
16 application to any person or circumstance is held invalid, the
17 remainder of the act or the application of the provision to other
18 persons or circumstances is not affected.

19 NEW SECTION. **Sec. 21.** This act takes effect July 1, 2024.

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