
SENATE BILL 5101

State of Washington

69th Legislature

2025 Regular Session

By Senators Valdez and Hansen

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1 AN ACT Relating to expanding access to leave and safety
2 accommodations to include workers who are victims of hate crimes or
3 bias incidents; and amending RCW 49.76.010, 49.76.020, 49.76.030,
4 49.76.040, 49.76.060, 49.76.115, and 7.69.030.

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

6 **Sec. 1.** RCW 49.76.010 and 2018 c 47 s 1 are each amended to read
7 as follows:

8 (1) It is in the public interest to reduce domestic violence,
9 sexual assault, ~~((and))~~ stalking, hate crime, and bias incidents by
10 enabling victims to maintain the financial independence necessary to
11 leave abusive situations, achieve safety, and minimize physical and
12 emotional injuries, and to reduce the devastating economic
13 consequences of domestic violence, sexual assault, ~~((and))~~ stalking,
14 hate crime, and bias incidents to employers and employees. Victims of
15 domestic violence, sexual assault, ~~((and))~~ stalking, hate crime, or
16 bias incidents should be able to recover from and cope with the
17 effects of such violence and participate in criminal and civil
18 justice processes without fear of adverse economic consequences.
19 Victims of domestic violence, sexual assault, ~~((or))~~ stalking, hate
20 crime, or bias incidents should also be able to seek and maintain
21 employment without fear that they will face discrimination.

1 (2) One of the best predictors of whether a victim of domestic
2 violence, sexual assault, ~~((or))~~ stalking, hate crime, or bias
3 incidents will be able to stay away from an abuser is ~~((his or her))~~
4 the victim's degree of economic independence. However, domestic
5 violence, sexual assault, ~~((and))~~ stalking, hate crime, and bias
6 incidents often negatively impact victims' ability to maintain
7 employment.

8 (3) An employee who is a victim of domestic violence, sexual
9 assault, ~~((or))~~ stalking, hate crime, or bias incidents, or an
10 employee whose family member is a victim, must often take leave from
11 work due to injuries, court proceedings, or safety concerns requiring
12 legal protection.

13 (4) Thus, it is in the public interest to provide reasonable
14 leave from employment for employees who are victims of domestic
15 violence, sexual assault, ~~((or))~~ stalking, hate crime, or bias
16 incidents, or for employees whose family members are victims, to
17 participate in legal proceedings, receive medical treatment, or
18 obtain other necessary services.

19 (5) It is also in the public interest to ensure that victims of
20 domestic violence, sexual assault, ~~((or))~~ stalking, hate crime, or
21 bias incidents are able to seek and maintain employment without fear
22 of discrimination and to have reasonable safety accommodations in the
23 workplace.

24 **Sec. 2.** RCW 49.76.020 and 2021 c 215 s 152 are each amended to
25 read as follows:

26 The definitions in this section apply throughout this chapter
27 unless the context clearly requires otherwise.

28 (1) "Child," "spouse," "parent," "parent-in-law," "grandparent,"
29 and "sick leave and other paid time off" have the same meanings as in
30 RCW 49.12.265.

31 (2) "Dating relationship" has the same meaning as in RCW
32 7.105.010.

33 (3) "Department," "director," "employer," and "employee" have the
34 same meanings as in RCW 49.12.005.

35 (4) "Domestic violence" has the same meaning as in RCW 7.105.010.

36 (5) "Family member" means any individual whose relationship to
37 the employee can be classified as a child, spouse, parent, parent-in-
38 law, grandparent, or person with whom the employee has a dating
39 relationship.

1 (6) "Intermittent leave" is leave taken in separate blocks of
2 time due to a single qualifying reason.

3 (7) "Reduced leave schedule" means a leave schedule that reduces
4 the usual number of hours per workweek, or hours per workday, of an
5 employee.

6 (8) "Sexual assault" has the same meaning as in RCW 70.125.030.

7 (9) "Stalking" has the same meaning as in RCW 9A.46.110.

8 (10) "Bias incident" means a person's hostile expression of
9 animus toward another person, relating to the other person's actual
10 or perceived characteristics as listed in RCW 9A.36.080(1) or
11 49.60.030(1), of which criminal investigation or prosecution is
12 impossible or inappropriate. "Bias incident" does not include any
13 incident in which probable cause of the commission of a crime is
14 established by the investigating law enforcement officer, and does
15 not include expressions of opposition or support for the actions or
16 policies of a foreign or domestic government protected under free
17 speech. "Bias incident" includes, but is not limited to, incidents
18 that are committed through online or internet-based communication.

19 (11) "Hate crime" means the commission, attempted commission, or
20 alleged commission of an offense described in RCW 9A.36.080. "Hate
21 crime" includes, but is not limited to, offenses that are committed
22 through online or internet-based communication.

23 **Sec. 3.** RCW 49.76.030 and 2008 c 286 s 3 are each amended to
24 read as follows:

25 An employee may take reasonable leave from work, intermittent
26 leave, or leave on a reduced leave schedule, with or without pay, to:

27 (1) Seek legal or law enforcement assistance or remedies to
28 ensure the health and safety of the employee or employee's family
29 members including, but not limited to, preparing for, or
30 participating in, any civil or criminal legal proceeding related to
31 or derived from domestic violence, sexual assault, ~~((~~o~~))~~ stalking,
32 hate crime, or a bias incident;

33 (2) Seek treatment by a health care provider for physical or
34 mental injuries caused by domestic violence, sexual assault, ~~((~~o~~))~~
35 stalking, hate crime, or a bias incident, or to attend to health care
36 treatment for a victim who is the employee's family member;

37 (3) Obtain, or assist a family member in obtaining, services from
38 a domestic violence shelter, rape crisis center, or other social

1 services program for relief from domestic violence, sexual assault,
2 (~~or~~) stalking, hate crime, or a bias incident;

3 (4) Obtain, or assist a family member in obtaining, mental health
4 counseling related to an incident of domestic violence, sexual
5 assault, (~~or~~) stalking, hate crime, or a bias incident, in which
6 the employee or the employee's family member was a victim of domestic
7 violence, sexual assault, (~~or~~) stalking, hate crime, or a bias
8 incident; or

9 (5) Participate in safety planning, temporarily or permanently
10 relocate, or take other actions to increase the safety of the
11 employee or employee's family members from future domestic violence,
12 sexual assault, (~~or~~) stalking, hate crime, or bias incidents.

13 **Sec. 4.** RCW 49.76.040 and 2018 c 47 s 3 are each amended to read
14 as follows:

15 (1) As a condition of taking leave for any purpose described in
16 RCW 49.76.030, an employee shall give an employer advance notice of
17 the employee's intention to take leave. The timing of the notice
18 shall be consistent with the employer's stated policy for requesting
19 such leave, if the employer has such a policy. When advance notice
20 cannot be given because of an emergency or unforeseen circumstances
21 due to domestic violence, sexual assault, (~~or~~) stalking, hate
22 crime, or a bias incident, the employee or (~~his or her~~) the
23 employee's designee must give notice to the employer no later than
24 the end of the first day that the employee takes such leave.

25 (2) When an employee requests leave under RCW 49.76.030 or
26 requests a reasonable safety accommodation under RCW 49.76.115 the
27 employer may require that the request be supported by verification
28 that:

29 (a) The employee or employee's family member is a victim of
30 domestic violence, sexual assault, (~~or~~) stalking, hate crime, or a
31 bias incident; and

32 (b) The leave taken was for one of the purposes described in RCW
33 49.76.030 or that the safety accommodation requested under RCW
34 49.76.115 is for the purpose of protecting the employee from domestic
35 violence, sexual assault, (~~or~~) stalking, hate crime, or bias
36 incidents.

37 (3) If an employer requires verification, verification must be
38 provided in a timely manner. In the event that advance notice of the
39 leave cannot be given because of an emergency or unforeseen

1 circumstances due to domestic violence, sexual assault, ~~((\e))~~
2 stalking, hate crime, or a bias incident, and the employer requires
3 verification, verification must be provided to the employer within a
4 reasonable time period during or after the leave.

5 (4) An employee may satisfy the verification requirement of this
6 section by providing the employer with one or more of the following:

7 (a) A police report indicating that the employee or employee's
8 family member was a victim of domestic violence, sexual assault,
9 ~~((\e))~~ stalking, hate crime, or a bias incident;

10 (b) A court order protecting or separating the employee or
11 employee's family member from the perpetrator of the act of domestic
12 violence, sexual assault, ~~((\e))~~ stalking, hate crime, or a bias
13 incident, or other evidence from the court or the prosecuting
14 attorney that the employee or employee's family member appeared, or
15 is scheduled to appear, in court in connection with ~~((an incident~~
16 ~~\e))~~ a case involving domestic violence, sexual assault, ~~((\e))~~
17 stalking, hate crime, or a bias incident;

18 (c) Documentation that the employee or the employee's family
19 member is a victim of domestic violence, sexual assault, ~~((\e))~~
20 stalking, hate crime, or a bias incident, from any of the following
21 persons from whom the employee or employee's family member sought
22 assistance in addressing the domestic violence, sexual assault,
23 ~~((\e))~~ stalking, hate crime, or a bias incident: An advocate for
24 victims of domestic violence, sexual assault, ~~((\e))~~ stalking, hate
25 crimes, or bias incidents; an attorney; a member of the clergy; or a
26 medical or other professional. The provision of documentation under
27 this section does not waive or diminish the confidential or
28 privileged nature of communications between a victim of domestic
29 violence, sexual assault, ~~((\e))~~ stalking, hate crime, or a bias
30 incident with one or more of the individuals named in this subsection

31 (4)(c) pursuant to RCW 5.60.060, 70.123.075, 70.123.076, or
32 70.125.065; or

33 (d) An employee's written statement that the employee or the
34 employee's family member is a victim of domestic violence, sexual
35 assault, ~~((\e))~~ stalking, hate crime, or a bias incident and that the
36 leave taken was for one of the purposes described in RCW 49.76.030 or
37 the safety accommodation requested pursuant to RCW 49.76.115 is to
38 protect the employee from domestic violence, sexual assault, ~~((\e))~~
39 stalking, hate crime, or bias incidents.

1 (5) If the victim of domestic violence, sexual assault, ((~~or~~))
2 stalking, hate crime, or a bias incident is the employee's family
3 member, verification of the familial relationship between the
4 employee and the victim may include, but is not limited to, a
5 statement from the employee, a birth certificate, a court document,
6 or other similar documentation.

7 (6) An employee who is absent from work pursuant to RCW 49.76.030
8 may elect to use the employee's sick leave and other paid time off,
9 compensatory time, or unpaid leave time.

10 (7) An employee is required to provide only the information
11 enumerated in subsection (2) of this section to establish that the
12 employee's leave is protected under this chapter or to establish that
13 the employee's request for a safety accommodation is protected under
14 this chapter. An employee is not required to produce or discuss any
15 information with the employer that is beyond the scope of subsection
16 (2) of this section, or that would compromise the employee's safety
17 or the safety of the employee's family member in any way, and an
18 employer is prohibited from requiring any such disclosure.

19 (8)(a) Except as provided in (b) of this subsection, an employer
20 shall maintain the confidentiality of all information provided by the
21 employee under this section, including the fact that the employee or
22 employee's family member is a victim of domestic violence, sexual
23 assault, ((~~or~~)) stalking, hate crime, or a bias incident, that the
24 employee has requested or obtained leave under this chapter, and any
25 written or oral statement, documentation, record, or corroborating
26 evidence provided by the employee.

27 (b) Information given by an employee may be disclosed by an
28 employer only if:

- 29 (i) Requested or consented to by the employee;
- 30 (ii) Ordered by a court or administrative agency; or
- 31 (iii) Otherwise required by applicable federal or state law.

32 **Sec. 5.** RCW 49.76.060 and 2018 c 47 s 4 are each amended to read
33 as follows:

34 (1) The rights provided in this chapter are in addition to any
35 other rights provided by state and federal law.

36 (2) Nothing in this chapter shall be construed to discourage
37 employers from adopting policies that provide greater leave rights or
38 greater safety accommodations to employees who are victims of

1 domestic violence, sexual assault, (~~or~~) stalking, hate crime, or a
2 bias incidents than those required by this chapter.

3 (3) Nothing in this chapter shall be construed to diminish an
4 employer's obligation to comply with any collective bargaining
5 agreement, or any employment benefit program or plan, that provides
6 greater leave rights or greater safety accommodations to employees
7 than the rights provided by this chapter.

8 **Sec. 6.** RCW 49.76.115 and 2018 c 47 s 2 are each amended to read
9 as follows:

10 An employer may not:

11 (1) Refuse to hire an otherwise qualified individual because the
12 individual is an actual or perceived victim of domestic violence,
13 sexual assault, (~~or~~) stalking, hate crime, or a bias incident;

14 (2) Discharge, threaten to discharge, demote, suspend or in any
15 manner discriminate or retaliate against an individual with regard to
16 promotion, compensation, or other terms, conditions, or privileges of
17 employment because the individual is an actual or perceived victim of
18 domestic violence, sexual assault, (~~or~~) stalking, hate crime, or
19 bias incident;

20 (3) Refuse to make a reasonable safety accommodation requested by
21 an individual who is a victim of domestic violence, sexual assault,
22 (~~or~~) stalking, hate crime, or a bias incident, unless the employer
23 can demonstrate that the accommodation would impose an undue hardship
24 on the operation of the business of the employer. For the purposes of
25 this section, an "undue hardship" means an action requiring
26 significant difficulty or expense. A reasonable safety accommodation
27 may include, but is not limited to, a transfer, reassignment,
28 modified schedule, changed work telephone number, changed work email
29 address, changed workstation, installed lock, implemented safety
30 procedure, or any other adjustment to a job structure, workplace
31 facility, or work requirement in response to actual or threatened
32 domestic violence, sexual assault, (~~or~~) stalking, hate crime, or
33 bias incidents.

34 **Sec. 7.** RCW 7.69.030 and 2024 c 297 s 10 are each amended to
35 read as follows:

36 (1) There shall be a reasonable effort made to ensure that
37 victims, survivors of victims, and witnesses of crimes have the
38 following rights, which apply to any adult or juvenile criminal

1 proceeding and any civil commitment proceeding under chapter 10.77 or
2 71.09 RCW:

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

9 (b) To be informed by local law enforcement agencies or the
10 prosecuting attorney of the final disposition of the case in which
11 the victim, survivor, or witness is involved;

12 (c) With respect to victims of violent offenses, domestic
13 violence, or sex offenses, to be informed by local law enforcement
14 agencies or the prosecuting attorney that charges have been filed and
15 when the defendant has been found not competent to stand trial and
16 referred for restoration services;

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

20 (e) To receive protection from harm and threats of harm arising
21 out of cooperation with law enforcement and prosecution efforts, and
22 to be provided with information as to the level of protection
23 available;

24 (f) To be informed of the procedure to be followed to apply for
25 and receive any witness fees to which they are entitled;

26 (g) To be provided, whenever practical, a secure waiting area
27 during court proceedings that does not require them to be in close
28 proximity to defendants and families or friends of defendants;

29 (h) To have any stolen or other personal property expeditiously
30 returned by law enforcement agencies or the superior court when no
31 longer needed as evidence. When feasible, all such property, except
32 weapons, currency, contraband, property subject to evidentiary
33 analysis, and property of which ownership is disputed, shall be
34 photographed and returned to the owner within ten days of being
35 taken;

36 (i) To be provided with appropriate employer intercession
37 services to ensure that employers of victims, survivors of victims,
38 and witnesses of crime will cooperate with the criminal justice
39 process or the civil commitment process under chapter 10.77 or 71.09

1 RCW in order to minimize an employee's loss of pay and other benefits
2 resulting from court appearance;

3 (j) To have access to immediate medical assistance and not to be
4 detained for an unreasonable length of time by a law enforcement
5 agency before having such assistance administered. However, an
6 employee of the law enforcement agency may, if necessary, accompany
7 the person to a medical facility to question the person about the
8 criminal incident if the questioning does not hinder the
9 administration of medical assistance. Victims of domestic violence,
10 sexual assault, ~~((or))~~ stalking, hate crime, or bias incidents, as
11 defined in RCW 49.76.020, shall be notified of their right to
12 reasonable leave from employment under chapter 49.76 RCW;

13 (k) With respect to victims of violent and sex crimes, to have a
14 crime victim advocate from a crime victim/witness program, or any
15 other support person of the victim's choosing, present at any
16 prosecutorial or defense interviews with the victim, and at any
17 judicial proceedings related to criminal acts committed against the
18 victim. This subsection applies if practical and if the presence of
19 the crime victim advocate or support person does not cause any
20 unnecessary delay in the investigation or prosecution of the case.
21 The role of the crime victim advocate is to provide emotional support
22 to the crime victim;

23 (l) With respect to victims of violent offenses, domestic
24 violence, or sex offenses, such victims may attend court proceedings
25 or required interviews in person or remotely, including by video or
26 other electronic means, as available in the local jurisdiction, to
27 ensure access to justice to participate in criminal justice
28 proceedings;

29 (m) With respect to victims and survivors of victims, to be
30 physically present in court during trial, or if subpoenaed to
31 testify, to be scheduled as early as practical in the proceedings in
32 order to be physically present during trial after testifying and not
33 to be excluded solely because they have testified;

34 (n) With respect to victims and survivors of victims in any
35 felony case, any case involving domestic violence, or any final
36 determination under chapter 10.77 or 71.09 RCW, to be informed by the
37 prosecuting attorney of the date, time, and place of the trial and of
38 the sentencing hearing or disposition hearing upon request by a
39 victim or survivor;

1 (o) To submit a victim impact statement or report to the court,
2 with the assistance of the prosecuting attorney if requested, which
3 shall be included in all presentence reports and permanently included
4 in the files and records accompanying the offender committed to the
5 custody of a state agency or institution;

6 (p) With respect to victims and survivors of victims in any
7 felony case or any case involving domestic violence, to present a
8 statement, personally or by representation, at the sentencing
9 hearing; and

10 (q) With respect to victims and survivors of victims, to entry of
11 an order of restitution by the court in all felony cases, even when
12 the offender is sentenced to confinement, unless extraordinary
13 circumstances exist which make restitution inappropriate in the
14 court's judgment.

15 (2) If a victim, survivor of a victim, or witness of a crime is
16 denied a right under this section, the person may seek an order
17 directing compliance by the relevant party or parties by filing a
18 petition in the superior court in the county in which the crime
19 occurred and providing notice of the petition to the relevant party
20 or parties. Compliance with the right is the sole available remedy.
21 The court shall expedite consideration of a petition filed under this
22 subsection.

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