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ENGROSSED SECOND SUBSTITUTE SENATE BILL 5937

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State of Washington

68th Legislature

2024 Regular Session

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

READ FIRST TIME 02/05/24.

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 43.70 RCW; adding a new section to chapter 70.125 RCW;  
8 prescribing penalties; and providing an effective date.

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

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

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

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

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

20 (b) Regulated or licensed as to course content by any agency of  
21 the state or under any occupational licensing act of the state, or

1 recognized by the apprenticeship council under an agreement  
2 registered with the apprenticeship council pursuant to chapter 49.04  
3 RCW.

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

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

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

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

32 (6) "Criminal act" means an act committed or attempted in this  
33 state, unless otherwise provided in this chapter, which is: (a)  
34 Punishable as a federal offense that is comparable to a felony or  
35 gross misdemeanor in this state; (b) punishable as a felony or gross  
36 misdemeanor under the laws of this state; (c) an act committed  
37 outside the state of Washington against a resident of the state of  
38 Washington which would be compensable had it occurred inside this  
39 state and the crime occurred in a state which does not have a crime  
40 victims' compensation program, for which the victim is eligible as

1 set forth in the Washington compensation law; or (d) trafficking as  
2 defined in RCW 9A.40.100. A "criminal act" does not include the  
3 following:

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

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

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

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

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

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

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

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

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

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

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

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

37 (iii) Evidence of a criminal conviction arising from acts which  
38 are the basis for a claim or proceeding under this chapter is  
39 admissible in such claim or proceeding for the limited purpose of  
40 proving the criminal character of the acts; and

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

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

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

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

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

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

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

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

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

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

32 (16) "Victim" means a person who suffers bodily injury or death  
33 as a proximate result of a criminal act of another person, the  
34 victim's own good faith and reasonable effort to prevent a criminal  
35 act, or his or her good faith effort to apprehend a person reasonably  
36 suspected of engaging in a criminal act. For the purposes of  
37 receiving benefits pursuant to this chapter, "victim" is  
38 interchangeable with "employee" or "worker" as defined in chapter  
39 51.08 RCW as now or hereafter amended.

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

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

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

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

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

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

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

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

39       (3) No person or spouse, child, or dependent of such person is  
40 eligible for benefits under this chapter where the person making a

1 claim for such benefits has refused to give reasonable cooperation to  
2 state or local law enforcement agencies in their efforts to apprehend  
3 and convict the perpetrator of the criminal act which gave rise to  
4 the claim unless the director determines such cooperation may be  
5 impacted due to a victim's age, physical condition, psychological  
6 state, cultural or linguistic barriers, or any other health or safety  
7 concern that jeopardizes the victim's well-being.

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

10 (a) Has been convicted of a felony offense within five years  
11 preceding the criminal act for which the victim is applying where the  
12 felony offense is a violent offense under RCW 9.94A.030 or a crime  
13 against persons under RCW 9.94A.411, or is convicted of such a felony  
14 offense after the criminal act for which the victim is applying; and

15 (b) Has not completely satisfied all legal financial obligations  
16 owed.

17 (5) Because victims of childhood criminal acts may repress  
18 conscious memory of such criminal acts far beyond the age of  
19 eighteen, the rights of adult victims of childhood criminal acts  
20 shall accrue at the time the victim discovers or reasonably should  
21 have discovered the elements of the crime. In making determinations  
22 as to reasonable time limits, the department shall give greatest  
23 weight to the needs of the victim.

24 (6) (a) Benefits under this chapter are available to any victim of  
25 a person against whom the state initiates proceedings under chapter  
26 71.09 RCW. The right created under this subsection shall accrue when  
27 the victim is notified of proceedings under chapter 71.09 RCW or the  
28 victim is interviewed, deposed, or testifies as a witness in  
29 connection with the proceedings. An application for benefits under  
30 this subsection must be received by the department within two years  
31 after the date the victim's right accrued unless the director  
32 determines that good cause exists to expand the time to receive the  
33 application. The director shall determine "good cause" on a case-by-  
34 case basis and may extend the period of time in which an application  
35 can be received for up to five years after the date the right of the  
36 victim accrued. Benefits under this subsection shall be limited to  
37 compensation for costs or losses incurred on or after the date the  
38 victim's right accrues for a claim allowed under this subsection.

39 (b) A person identified as the "minor" in the charge of  
40 commercial sexual abuse of a minor under RCW 9.68A.100, promoting

1 commercial sexual abuse of a minor under RCW 9.68A.101, or promoting  
2 travel for commercial sexual abuse of a minor under RCW 9.68A.102 is  
3 considered a victim of a criminal act for the purpose of the right to  
4 benefits under this chapter even if the person is also charged with  
5 prostitution under RCW 9A.88.030.

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

8 (1) The department may require that the victim present himself or  
9 herself for a special medical examination by a physician or  
10 physicians selected by the department, and the department may require  
11 that the victim present himself or herself for a personal interview.  
12 The costs of the examination or interview, including payment of any  
13 reasonable round-trip travel expenses, shall be paid by the  
14 department as part of the victim's total claim under RCW 7.68.070(1).

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

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

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

25 (1) When the injury to any victim is so serious as to require the  
26 (~~victim's~~) victim being taken from the place of injury to a place  
27 of treatment, reasonable transportation costs to and from the nearest  
28 place of proper treatment to a reasonable location of the victim's  
29 choice shall be reimbursed by the department as part of the victim's  
30 total claim under RCW 7.68.070(1).

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

36 (3) The director shall adopt rules for fees and charges for  
37 hospital, clinic, medical, and other health care services, including  
38 fees and costs for durable medical equipment, eyeglasses, hearing

1 aids, and other medically necessary devices for crime victims under  
2 this chapter. The director shall set these service levels and fees at  
3 a level no lower than those established for comparable services under  
4 the workers' compensation program under Title 51 RCW, except the  
5 director shall comply with the requirements of RCW 7.68.030(2)(g)(i)  
6 through (iii) when setting service levels and fees, including  
7 reducing levels and fees when required. In establishing fees for  
8 medical and other health care services, the director shall consider  
9 the director's duty to purchase health care in a prudent, cost-  
10 effective manner. The director shall establish rules adopted in  
11 accordance with chapter 34.05 RCW. Nothing in this chapter may be  
12 construed to require the payment of interest on any billing, fee, or  
13 charge.

14 (4) Whenever the director deems it necessary in order to resolve  
15 any medical issue, a victim shall submit to examination by a  
16 physician or physicians selected by the director, with the rendition  
17 of a report to the person ordering the examination. The department  
18 shall provide the physician performing an examination with all  
19 relevant medical records from the victim's claim file. The director,  
20 in his or her discretion, may charge the cost of such examination or  
21 examinations to the crime victims' compensation fund. If the  
22 examination is paid for by the victim, then the cost of said  
23 examination shall be reimbursed to the victim for reasonable costs  
24 connected with the examination as part of the victim's total claim  
25 under RCW 7.68.070(1).

26 (5) Victims of sexual assault are eligible to receive appropriate  
27 counseling. Fees for such counseling shall be determined by the  
28 department. Counseling services may include, if determined  
29 appropriate by the department, counseling of members of the victim's  
30 immediate family, other than the perpetrator of the assault.

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



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

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

6 (ii) The recipient of the counseling would benefit from  
7 additional sessions.

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

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

14 (9) The legislature finds and declares it to be in the public  
15 interest of the state of Washington that a proper regulatory and  
16 inspection program be instituted in connection with the provision of  
17 any services provided to crime victims pursuant to this chapter. In  
18 order to effectively accomplish such purpose and to assure that the  
19 victim receives such services as are paid for by the state of  
20 Washington, the acceptance by the victim of such services, and the  
21 request by a provider of services for reimbursement for providing  
22 such services, shall authorize the director of the department or the  
23 director's authorized representative to inspect and audit all records  
24 in connection with the provision of such services. In the conduct of  
25 such audits or investigations, the director or the director's  
26 authorized representatives may:

27 (a) Examine all records, or portions thereof, including patient  
28 records, for which services were rendered by a health care provider  
29 and reimbursed by the department, notwithstanding the provisions of  
30 any other statute which may make or purport to make such records  
31 privileged or confidential, except that no original patient records  
32 shall be removed from the premises of the health care provider, and  
33 that the disclosure of any records or information obtained under  
34 authority of this section by the department is prohibited and  
35 constitutes a violation of RCW 42.52.050, unless such disclosure is  
36 directly connected to the official duties of the department. The  
37 disclosure of patient information as required under this section  
38 shall not subject any physician, licensed advanced registered nurse  
39 practitioner, or other health care provider to any liability for  
40 breach of any confidential relationships between the provider and the

1 patient. The director or the director's authorized representative  
2 shall destroy all copies of patient medical records in their  
3 possession upon completion of the audit, investigation, or  
4 proceedings;

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

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

9 (d) Pursue collection of unpaid overpayments and/or penalties  
10 plus interest accrued from health care providers pursuant to RCW  
11 51.32.240(6).

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

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

18 (1) Any victim eligible to receive any benefits or claiming such  
19 under this title shall, if requested by the department submit himself  
20 or herself for medical examination, at a time and from time to time,  
21 at a place reasonably convenient for the victim as may be provided by  
22 the rules of the department. An injured victim, whether an alien or  
23 other injured victim, who is not residing in the United States at the  
24 time that a medical examination is requested may be required to  
25 submit to an examination at any location in the United States  
26 determined by the department.

27 (2) If the victim refuses to submit to medical examination, or  
28 obstructs the same, or, if any injured victim shall persist in  
29 unsanitary or injurious practices which tend to imperil or retard his  
30 or her recovery, or shall refuse to submit to such medical or  
31 surgical treatment as is reasonably essential to his or her recovery  
32 does not cooperate in reasonable efforts at such rehabilitation, the  
33 department may suspend any further action on any claim of such victim  
34 so long as such refusal, obstruction, noncooperation, or practice  
35 continues and thus, the department may reduce, suspend, or deny any  
36 compensation for such period. The department may not suspend any  
37 further action on any claim of a victim or reduce, suspend, or deny  
38 any compensation if a victim has good cause for refusing to submit to

1 or to obstruct any examination, evaluation, treatment, or practice  
2 requested by the department or required under this section.

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

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

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

14 No costs incurred by a hospital or other emergency medical  
15 facility in Washington for the examination of the victim of a sexual  
16 assault, whether such assault occurred in or outside the state of  
17 Washington, when such examination is performed for the purposes of  
18 gathering evidence for possible prosecution, shall be billed or  
19 charged directly or indirectly to the victim of such assault. Such  
20 costs shall be paid by the state pursuant to this chapter.

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

23 (1) No costs incurred by a hospital or other emergency medical  
24 facility in Washington for the examination of the victim of domestic  
25 violence assault involving nonfatal strangulation, whether such  
26 assault occurred in or outside the state of Washington, when such  
27 examination is performed for the purposes of gathering evidence for  
28 possible prosecution, shall be billed or charged directly or  
29 indirectly to the victim of such assault. Such costs shall be paid by  
30 the state pursuant to this chapter.

31 (2) The department must notify the office of financial management  
32 and the fiscal committees of the legislature if it projects that the  
33 cost of services provided under this section exceeds the amount of  
34 funding provided by the legislature solely for the purposes of this  
35 section.

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

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

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

10 (b) For other states with which the department has an agreement  
11 for reimbursement as provided in (a) of this subsection, the  
12 department shall promptly make a report to the other state showing  
13 any costs incurred by a hospital or other emergency medical facility  
14 paid by this state pursuant to (a) of this subsection. The department  
15 shall ensure that no information related to the provision, receipt,  
16 attempted provision or receipt, assistance in the provision or  
17 receipt, or attempted assistance in the provision or receipt of  
18 protected health care services as defined in RCW 7.115.010 is  
19 provided to any state whose law is against the public policy of the  
20 state of Washington as provided in RCW 7.115.020.

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

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

26 In recognition of the severe and detrimental impact of crime on  
27 victims, survivors of victims, and witnesses of crime and the civic  
28 and moral duty of victims, survivors of victims, and witnesses of  
29 crimes to fully and voluntarily cooperate with law enforcement and  
30 prosecutorial agencies, and in further recognition of the continuing  
31 importance of such citizen cooperation to state and local law  
32 enforcement efforts and the general effectiveness and well-being of  
33 the criminal justice system of this state, the legislature declares  
34 its intent, in this chapter, to grant to the victims of crime and the  
35 survivors of such victims a significant role, including enhanced  
36 accessibility, in the criminal justice system. The legislature  
37 further intends to ensure that all victims and witnesses of crime are  
38 treated with dignity, respect, courtesy, and sensitivity; ensure that  
39 all victims and witnesses are afforded access to justice to

1 participate in criminal justice proceedings, including the  
2 opportunity to participate and attend court hearings in person or  
3 remotely, including by video or other electronic means as available  
4 in the local jurisdiction; and that the rights extended in this  
5 chapter to victims, survivors of victims, and witnesses of crime are  
6 honored ~~((and))~~, protected, and upheld by law enforcement agencies,  
7 prosecutors, and judges in a manner no less vigorous than the  
8 protections afforded criminal defendants.

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

11 (1) There shall be a reasonable effort made to ensure that  
12 victims, survivors of victims, and witnesses of crimes have the  
13 following rights, which apply to any adult or juvenile criminal  
14 proceeding and any civil commitment proceeding under chapter 10.77 or  
15 71.09 RCW:

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

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

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

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

33 ~~((d))~~ (e) To receive protection from harm and threats of harm  
34 arising out of cooperation with law enforcement and prosecution  
35 efforts, and to be provided with information as to the level of  
36 protection available;

37 ~~((e))~~ (f) To be informed of the procedure to be followed to  
38 apply for and receive any witness fees to which they are entitled;

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

4       ~~((g))~~ (h) To have any stolen or other personal property  
5 expeditiously returned by law enforcement agencies or the superior  
6 court when no longer needed as evidence. When feasible, all such  
7 property, except weapons, currency, contraband, property subject to  
8 evidentiary analysis, and property of which ownership is disputed,  
9 shall be photographed and returned to the owner within ten days of  
10 being taken;

11       ~~((h))~~ (i) To be provided with appropriate employer intercession  
12 services to ensure that employers of victims, survivors of victims,  
13 and witnesses of crime will cooperate with the criminal justice  
14 process or the civil commitment process under chapter 10.77 or 71.09  
15 RCW in order to minimize an employee's loss of pay and other benefits  
16 resulting from court appearance;

17       ~~((i))~~ (j) To have access to immediate medical assistance and  
18 not to be detained for an unreasonable length of time by a law  
19 enforcement agency before having such assistance administered.  
20 However, an employee of the law enforcement agency may, if necessary,  
21 accompany the person to a medical facility to question the person  
22 about the criminal incident if the questioning does not hinder the  
23 administration of medical assistance. Victims of domestic violence,  
24 sexual assault, or stalking, as defined in RCW 49.76.020, shall be  
25 notified of their right to reasonable leave from employment under  
26 chapter 49.76 RCW;

27       ~~((j))~~ (k) With respect to victims of violent and sex crimes, to  
28 have a crime victim advocate from a crime victim/witness program, or  
29 any other support person of the victim's choosing, present at any  
30 prosecutorial or defense interviews with the victim, and at any  
31 judicial proceedings related to criminal acts committed against the  
32 victim. This subsection applies if practical and if the presence of  
33 the crime victim advocate or support person does not cause any  
34 unnecessary delay in the investigation or prosecution of the case.  
35 The role of the crime victim advocate is to provide emotional support  
36 to the crime victim;

37       ~~((k))~~ (l) With respect to victims of violent offenses, domestic  
38 violence, or sex offenses, such victims may attend court proceedings  
39 or required interviews in person or remotely, including by video or  
40 other electronic means, as available in the local jurisdiction, to

1 ensure access to justice to participate in criminal justice  
2 proceedings;

3 (m) With respect to victims and survivors of victims, to be  
4 physically present in court during trial, or if subpoenaed to  
5 testify, to be scheduled as early as practical in the proceedings in  
6 order to be physically present during trial after testifying and not  
7 to be excluded solely because they have testified;

8 ~~((+l))~~ (n) With respect to victims and survivors of victims in  
9 any felony case, any case involving domestic violence, or any final  
10 determination under chapter 10.77 or 71.09 RCW, to be informed by the  
11 prosecuting attorney of the date, time, and place of the trial and of  
12 the sentencing hearing or disposition hearing upon request by a  
13 victim or survivor;

14 ~~((+m))~~ (o) To submit a victim impact statement or report to the  
15 court, with the assistance of the prosecuting attorney if requested,  
16 which shall be included in all presentence reports and permanently  
17 included in the files and records accompanying the offender committed  
18 to the custody of a state agency or institution;

19 ~~((+n))~~ (p) With respect to victims and survivors of victims in  
20 any felony case or any case involving domestic violence, to present a  
21 statement, personally or by representation, at the sentencing  
22 hearing; and

23 ~~((+o))~~ (q) With respect to victims and survivors of victims, to  
24 entry of an order of restitution by the court in all felony cases,  
25 even when the offender is sentenced to confinement, unless  
26 extraordinary circumstances exist which make restitution  
27 inappropriate in the court's judgment.

28 (2) If a victim, survivor of a victim, or witness of a crime is  
29 denied a right under this section, the person may seek an order  
30 directing compliance by the relevant party or parties by filing a  
31 petition in the superior court in the county in which the crime  
32 occurred and providing notice of the petition to the relevant party  
33 or parties. Compliance with the right is the sole available remedy.  
34 The court shall expedite consideration of a petition filed under this  
35 subsection.

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

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

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

3 (i) Murder;

4 (ii) Homicide by abuse;

5 (iii) Arson if a death results;

6 (iv) Vehicular homicide;

7 (v) Vehicular assault if a death results;

8 (vi) Hit-and-run injury-accident if a death results (RCW  
9 46.52.020(4));

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

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

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

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

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

17 (xii) Sexual misconduct with a minor in the first degree (RCW  
18 9A.44.093);

19 (xiii) Custodial sexual misconduct in the first degree (RCW  
20 9A.44.160);

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

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

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

24 ((and))

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

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

30 (xix) Rape in the second degree (RCW 9A.44.050) if the  
31 perpetrator is a first responder as defined in RCW 70.54.430 and if  
32 the first responder used the first responder's position to facilitate  
33 the commission of the offense; and

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

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



1 (i) Rape in the first degree (RCW 9A.44.040);  
2 (ii) Rape in the second degree (RCW 9A.44.050); or  
3 (iii) Indecent liberties (RCW 9A.44.100).  
4 (c) The following offenses may not be prosecuted more than ten  
5 years after its commission:  
6 (i) Any felony committed by a public officer if the commission is  
7 in connection with the duties of his or her office or constitutes a  
8 breach of his or her public duty or a violation of the oath of  
9 office;  
10 (ii) Arson if no death results;  
11 (iii) Rape in the third degree (RCW 9A.44.060);  
12 (iv) Attempted murder; or  
13 (v) Trafficking under RCW 9A.40.100.  
14 (d) A violation of any offense listed in this subsection (1)(d)  
15 may be prosecuted up to ten years after its commission or, if  
16 committed against a victim under the age of eighteen, up to the  
17 victim's thirtieth birthday, whichever is later:  
18 (i) RCW 9.68A.100 (commercial sexual abuse of a minor);  
19 (ii) RCW 9.68A.101 (promoting commercial sexual abuse of a  
20 minor);  
21 (iii) RCW 9.68A.102 (promoting travel for commercial sexual abuse  
22 of a minor); or  
23 (iv) RCW 9A.64.020 (incest).  
24 (e) A violation of RCW 9A.36.170 may be prosecuted up to 10 years  
25 after its commission, or if committed against a victim under the age  
26 of 18, up to the victim's 28th birthday, whichever is later.  
27 (f) The following offenses may not be prosecuted more than six  
28 years after its commission or discovery, whichever occurs later:  
29 (i) Violations of RCW 9A.82.060 or 9A.82.080;  
30 (ii) Any felony violation of chapter 9A.83 RCW;  
31 (iii) Any felony violation of chapter 9.35 RCW;  
32 (iv) Theft in the first or second degree under chapter 9A.56 RCW  
33 when accomplished by color or aid of deception;  
34 (v) Theft from a vulnerable adult under RCW 9A.56.400;  
35 (vi) Trafficking in stolen property in the first or second degree  
36 under chapter 9A.82 RCW in which the stolen property is a motor  
37 vehicle or major component part of a motor vehicle as defined in RCW  
38 46.80.010; or  
39 (vii) Violations of RCW 82.32.290 (2)(a)(iii) or (4).

1 (g) The following offenses may not be prosecuted more than five  
2 years after its commission: Any class C felony under chapter 74.09,  
3 82.36, or 82.38 RCW.

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

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

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

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

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

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

24 (3) In any prosecution for a sex offense as defined in RCW  
25 9.94A.030, the periods of limitation prescribed in subsection (1) of  
26 this section run from the date of commission or four years from the  
27 date on which the identity of the suspect is conclusively established  
28 by deoxyribonucleic acid testing or by photograph as defined in RCW  
29 9.68A.011, whichever is later.

30 (4) If, before the end of a period of limitation prescribed in  
31 subsection (1) of this section, an indictment has been found or a  
32 complaint or an information has been filed, and the indictment,  
33 complaint, or information is set aside, then the period of limitation  
34 is extended by a period equal to the length of time from the finding  
35 or filing to the setting aside.

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

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

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

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

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

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

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

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

19 (e) The victim, the victim's attorney, or a lawful representative  
20 of the victim may assert and seek enforcement of the procedures under  
21 this section.

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

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

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

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

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

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

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

1        ~~((d))~~ (iv) Feloniously enters into the building or vehicle  
2 where the victim is situated, or where the sexual intercourse occurs;  
3 or

4        (b) After the perpetrator or an accessory knowingly furnishes the  
5 victim with a legend drug, controlled substance, or controlled  
6 substance analog without the victim's knowledge and consent which  
7 renders the victim incapable of consent to sexual intercourse due to  
8 physical helplessness or mental incapacitation.

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

10        (3) For purposes of this section:

11        (a) "Legend drug" has the same meaning as "legend drugs" as  
12 defined in RCW 69.41.010.

13        (b) "Controlled substance" has the same meaning as defined in RCW  
14 69.50.101.

15        (c) "Controlled substance analog" has the same meaning as defined  
16 in RCW 69.50.101.

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

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

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

23        (b) Must be filed as a confidential document within the court  
24 file.

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

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

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

34        (1) Whenever a depiction of a victim or a victim's genitals that  
35 was created during a sexual assault medical forensic examination,  
36 regardless of its format, is marked as an exhibit in a criminal  
37 proceeding, the prosecutor shall seek an order sealing the exhibit at  
38 the close of the trial. Any exhibits sealed under this section shall

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

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

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

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

36 (1) The secretary shall set a release date for each juvenile  
37 committed to its custody. The release date shall be within the  
38 prescribed range to which a juvenile has been committed under RCW  
39 13.40.0357 or 13.40.030 except as provided in RCW 13.40.320

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

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

34 (3) (a) Following the release of any juvenile under subsection (1)  
35 of this section, the secretary may require the juvenile to comply  
36 with a program of parole to be administered by the department in his  
37 or her community which shall last no longer than eighteen months,  
38 except that in the case of a juvenile sentenced for a sex offense as  
39 defined under RCW 9.94A.030 the period of parole shall be twenty-four  
40 months and, in the discretion of the secretary, may be up to thirty-

1 six months when the secretary finds that an additional period of  
2 parole is necessary and appropriate in the interests of public safety  
3 or to meet the ongoing needs of the juvenile. A parole program is  
4 mandatory for offenders released under subsection (2) of this section  
5 and for offenders who receive a juvenile residential commitment  
6 sentence for theft of a motor vehicle, possession of a stolen motor  
7 vehicle, or taking a motor vehicle without permission 1. A juvenile  
8 adjudicated for unlawful possession of a firearm, possession of a  
9 stolen firearm, theft of a firearm, or drive-by shooting may  
10 participate in aggression replacement training, functional family  
11 therapy, or functional family parole aftercare if the juvenile meets  
12 eligibility requirements for these services. The decision to place an  
13 offender in an evidence-based parole program shall be based on an  
14 assessment by the department of the offender's risk for reoffending  
15 upon release and an assessment of the ongoing treatment needs of the  
16 juvenile. The department shall prioritize available parole resources  
17 to provide supervision and services to offenders at moderate to high  
18 risk for reoffending.

19 (b) The secretary shall, for the period of parole, facilitate the  
20 juvenile's reintegration into his or her community and to further  
21 this goal shall require the juvenile to refrain from possessing a  
22 firearm or using a deadly weapon, and refrain from committing new  
23 offenses or violating any orders issued by the juvenile court  
24 pursuant to chapter 7.105 RCW, and may require the juvenile to: (i)  
25 Undergo available medical, psychiatric, drug and alcohol, sex  
26 offender, mental health, and other offense-related treatment  
27 services; (ii) report as directed to a parole officer and/or  
28 designee; (iii) pursue a course of study, vocational training, or  
29 employment; (iv) notify the parole officer of the current address  
30 where he or she resides; (v) be present at a particular address  
31 during specified hours; (vi) remain within prescribed geographical  
32 boundaries; (vii) submit to electronic monitoring; (viii) refrain  
33 from using illegal drugs and alcohol, and submit to random urinalysis  
34 when requested by the assigned parole officer; (ix) refrain from  
35 contact with specific individuals or a specified class of  
36 individuals; (x) meet other conditions determined by the parole  
37 officer to further enhance the juvenile's reintegration into the  
38 community; (xi) pay any court-ordered fines or restitution; and (xii)  
39 perform community restitution. Community restitution for the purpose  
40 of this section means compulsory service, without compensation,



1 performed for the benefit of the community by the offender. Community  
2 restitution may be performed through public or private organizations  
3 or through work crews.

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

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

19 (4) (a) The department may also modify parole for violation  
20 thereof. If, after affording a juvenile all of the due process rights  
21 to which he or she would be entitled if the juvenile were an adult,  
22 the secretary finds that a juvenile has violated a condition of his  
23 or her parole, the secretary shall order one of the following which  
24 is reasonably likely to effectuate the purpose of the parole and to  
25 protect the public: (i) Continued supervision under the same  
26 conditions previously imposed; (ii) intensified supervision with  
27 increased reporting requirements; (iii) additional conditions of  
28 supervision authorized by this chapter; (iv) except as provided in  
29 (a) (v) and (vi) of this subsection, imposition of a period of  
30 confinement not to exceed thirty days in a facility operated by or  
31 pursuant to a contract with the state of Washington or any city or  
32 county for a portion of each day or for a certain number of days each  
33 week with the balance of the days or weeks spent under supervision;  
34 (v) the secretary may order any of the conditions or may return the  
35 offender to confinement for the remainder of the sentence range if  
36 the offense for which the offender was sentenced is rape in the first  
37 or second degree, rape of a child in the first or second degree,  
38 child molestation in the first degree, indecent liberties with  
39 forcible compulsion, or a sex offense that is also a serious violent  
40 offense as defined by RCW 9.94A.030; and (vi) the secretary may order

1 any of the conditions or may return the offender to confinement for  
2 the remainder of the sentence range if the youth has completed the  
3 basic training camp program as described in RCW 13.40.320.

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

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

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

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

1        NEW SECTION.    **Sec. 17.**    A new section is added to chapter 43.70  
2    RCW to read as follows:

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

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

7        (a) Provide technical assistance to adult, adolescent, and  
8    pediatric sexual assault nurse examiner programs and forensic nurse  
9    examiner programs across the state;

10       (b) Identify and alleviate barriers faced by hospitals relating  
11   to creating, maintaining, or operating adult adolescent, or pediatric  
12   sexual assault nurse examiner programs or forensic nurse examiner  
13   programs;

14       (c) Conduct a statewide needs assessment of adult, adolescent,  
15   and pediatric sexual assault nurse examiner programs and forensic  
16   nurse examiner programs;

17       (d) Provide and maintain centralized resources for adult,  
18   adolescent, and pediatric sexual assault nurse examiners and forensic  
19   nurse examiners;

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

22       (f) Develop and update standards of care for forensic exams and  
23   documentation;

24       (g) Assess and maintain standards for forensic nurse training  
25   curriculum for ongoing and didactic training, including  
26   preceptorship, by:

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

29       (ii) Providing information on trauma-informed and cultural  
30   competency standards; and

31       (iii) Facilitating surveys and other mechanisms to provide  
32   forensic exam patients the ability to give feedback on the patients'  
33   experiences that can be used to enhance forensic nurse training  
34   standards;

35       (h) Coordinate statewide forensic nurse trainings;

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

38       (j) Develop plans to ensure statewide coverage and availability  
39   of adult, adolescent, and pediatric sexual assault nurse examiners  
40   and forensic nurse examiners;

1 (k) Maintain and collect data on the availability of adult,  
2 adolescent, and pediatric sexual assault nurse examiners and forensic  
3 nurse examiners;

4 (l) Coordinate with victim advocacy services;

5 (m) Provide organizational and capacity building support to  
6 adult, adolescent, and pediatric sexual assault nurse examiner  
7 programs and forensic nurse examiner programs; and

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

10 NEW SECTION. **Sec. 18.** A new section is added to chapter 70.125  
11 RCW to read as follows:

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

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

19 NEW SECTION. **Sec. 19.** If any provision of this act or its  
20 application to any person or circumstance is held invalid, the  
21 remainder of the act or the application of the provision to other  
22 persons or circumstances is not affected.

23 NEW SECTION. **Sec. 20.** This act takes effect July 1, 2024.

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