
SENATE BILL 6044

State of Washington

68th Legislature

2024 Regular Session

By Senators Fortunato and Padden

Read first time 01/09/24. Referred to Committee on Human Services.

1 AN ACT Relating to juvenile access to an attorney; and amending
2 RCW 13.40.740.

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

4 **Sec. 1.** RCW 13.40.740 and 2021 c 328 s 1 are each amended to
5 read as follows:

6 (1) Except as provided in subsection ~~((4))~~ (3) of this section,
7 law enforcement shall provide a juvenile with access to an attorney
8 for consultation, which may be provided in person, by telephone, or
9 by videoconference, before the juvenile waives any constitutional
10 rights if a law enforcement officer:

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

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

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

17 ~~(2) ((The consultation required by subsection (1) of this section
18 may not be waived.~~

19 ~~(3))~~ Statements made by a juvenile after the juvenile is
20 contacted by a law enforcement officer in a manner described under

1 subsection (1) of this section are not admissible in a juvenile
2 offender or adult criminal court proceeding, unless:

3 (a) The juvenile has been provided with access to an attorney for
4 consultation; and the juvenile provides an express waiver knowingly,
5 intelligently, and voluntarily made by the juvenile after the
6 juvenile has been fully informed of the rights being waived as
7 required under RCW 13.40.140;

8 (b) The statement is for impeachment purposes; ~~((or))~~

9 (c) The statement was made spontaneously; or

10 (d) The statement was made after the juvenile knowingly and with
11 full awareness of their rights waived their rights after the law
12 enforcement officer provided access to an attorney for consultation.

13 ~~((4))~~ (3) A law enforcement officer may question a juvenile
14 without following the requirement in subsection (1) of this section
15 if:

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

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

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

25 (iii) Questioning by the law enforcement officer is limited to
26 matters reasonably expected to obtain information necessary to
27 protect an individual's life from an imminent threat; and

28 (iv) Exigent circumstances exist that present a reasonable
29 potential for escalation of the interaction between the juvenile and
30 the law enforcement officer such that the law enforcement officer is
31 prohibited from contacting an attorney prior to securing the scene.

32 ~~((5))~~ (4) After the juvenile has consulted with legal counsel,
33 the juvenile may advise, direct a parent or guardian to advise, or
34 direct legal counsel to advise the law enforcement officer that the
35 juvenile chooses to assert a constitutional right. Any assertion of
36 constitutional rights by the juvenile through legal counsel must be
37 treated by a law enforcement officer as though it came from the
38 juvenile. The waiver of any constitutional rights of the juvenile may
39 only be made according to the requirements of RCW 13.40.140.

1 (~~(6)~~) (5) For purposes of this section, the following
2 definitions apply:
3 (a) "Juvenile" means any individual who is under the
4 chronological age of 18 years; and
5 (b) "Law enforcement officer" means any general authority,
6 limited authority, or specially commissioned Washington peace officer
7 or federal peace officer as those terms are defined in RCW 10.93.020,
8 including school resource officers as defined in RCW 28A.320.124 and
9 other public officers who are responsible for enforcement of fire,
10 building, zoning, and life and safety codes.

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