

CERTIFICATION OF ENROLLMENT
ENGROSSED SECOND SUBSTITUTE SENATE BILL 5937

68th Legislature
2024 Regular Session

Passed by the Senate February 12,
2024

Yeas 49 Nays 0

President of the Senate

Passed by the House February 28, 2024

Yeas 94 Nays 0

**Speaker of the House of
Representatives**

Approved

Governor of the State of Washington

CERTIFICATE

I, Sarah Bannister, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SECOND SUBSTITUTE SENATE BILL 5937** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

ENGROSSED SECOND SUBSTITUTE SENATE BILL 5937

Passed Legislature - 2024 Regular Session

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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