

SSB 5052 - S AMD 193
By Senator Dhingra

NOT CONSIDERED 04/27/2025

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** The legislature finds that during the
4 2021 legislative session, House Bill No. 1140 was enacted. The
5 legislature recognizes that providing supplemental clarification to
6 state statute can provide for consistency statewide in legislative
7 interpretation. The legislature therefore resolves to amend RCW
8 13.40.740 to provide unambiguous clarification that law enforcement
9 may contact juvenile witnesses and victims not suspected of criminal
10 involvement or activity.

11 **Sec. 2.** RCW 13.40.740 and 2021 c 328 s 1 are each amended to
12 read as follows:

13 (1) Except as provided in subsection (4) of this section, law
14 enforcement shall provide a juvenile with access to an attorney for
15 consultation, which may be provided in person, by telephone, or by
16 videoconference, before the juvenile waives any constitutional rights
17 if a law enforcement officer:

18 (a) Questions (~~(a) juvenile during a custodial interrogation;~~
19 ~~(b) Detains~~) a juvenile who is detained based on probable cause
20 of involvement in criminal activity; or

21 (~~(c)~~) (b) Requests that the juvenile provide consent to an
22 evidentiary search of the juvenile or the juvenile's property,
23 dwellings, or vehicles under the juvenile's control.

24 (2) The consultation required by subsection (1) of this section
25 may not be waived.

26 (3) Statements made by a juvenile or evidence obtained pursuant
27 to a search after the juvenile is contacted by a law enforcement
28 officer in a manner described under subsection (1) of this section
29 are not admissible in a juvenile offender or adult criminal court
30 proceeding, unless:

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

6 (b) The statement is for impeachment purposes; or

7 (c) The statement was made spontaneously.

8 (4) A law enforcement officer may question a juvenile without
9 following the requirement in subsection (1) of this section if:

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

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

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

19 (iii) Questioning by the law enforcement officer is limited to
20 matters reasonably expected to obtain information necessary to
21 protect an individual's life from an imminent threat.

22 (5) After the juvenile has consulted with legal counsel, the
23 juvenile may advise, direct a parent or guardian to advise, or direct
24 legal counsel to advise the law enforcement officer that the juvenile
25 chooses to assert a constitutional right. Any assertion of
26 constitutional rights by the juvenile through legal counsel must be
27 treated by a law enforcement officer as though it came from the
28 juvenile. The waiver of any constitutional rights of the juvenile may
29 only be made according to the requirements of RCW 13.40.140.

30 (6) For purposes of this section, the following definitions
31 apply:

32 (a) "Juvenile" means any individual who is under the
33 chronological age of 18 years; and

34 (b) "Law enforcement officer" means any general authority,
35 limited authority, or specially commissioned Washington peace officer
36 or federal peace officer as those terms are defined in RCW 10.93.020,
37 including school resource officers as defined in RCW 28A.320.124 and
38 other public officers who are responsible for enforcement of fire,
39 building, zoning, and life and safety codes."

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1 On page 1, line 3 of the title, after "activity;" strike the
2 remainder of the title and insert "amending RCW 13.40.740; and
3 creating a new section."

EFFECT: Clarifies that evidence obtained pursuant to a search, in addition to statements made by a juvenile, are not admissible in a juvenile offender or adult criminal court proceeding unless the juvenile has been provided with access to an attorney for consultation. Removes language specifying that nothing in this section shall be construed to prevent the admissibility of evidence otherwise lawfully obtained from being introduced into evidence.

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