

SENATE BILL REPORT

SB 6017

As of February 4, 2026

Title: An act relating to supporting crime victims and witnesses by promoting victim-centered, trauma-informed responses.

Brief Description: Supporting crime victims and witnesses by promoting victim-centered, trauma-informed responses.

Sponsors: Senators Orwall, Dhingra, Nobles and Wilson, C..

Brief History:

Committee Activity: Law & Justice: 1/26/26, 1/29/26 [DPS-WM].
Ways & Means: 2/05/26.

Brief Summary of First Substitute Bill

- Permits a court to appoint standby counsel, an investigator, or the court itself to directly question a victim witness on the motion of the prosecuting attorney in any criminal proceeding involving sexual assault or domestic violence when a defendant is proceeding pro se.
- Allows any minor age 13 years or older to consent to a domestic violence assault involving nonfatal strangulation forensic examination.
- Provides victims of female genital mutilation certain rights under the Victims of Sexual Assault Act.
- Redesignates and reauthorizes the Sexual Assault Forensic Examination Best Practices Advisory Group.

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: That Substitute Senate Bill No. 6017 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

Signed by Senators Dhingra, Chair; Trudeau, Vice Chair; Holy, Ranking Member; Fortunato, Lovick, Salomon, Torres, Valdez and Wagoner.

Staff: Ryan Giannini (786-7285)

SENATE COMMITTEE ON WAYS & MEANS

Staff: Samuel Brown (786-7470)

Background: The Right of Self-Representation. Persons accused of crimes have a federal and state constitutional right to the assistance of counsel for their defense. The Supreme Court of the United States held that a defendant also has the right to waive representation by counsel and represent themselves regardless of the crime charged. This is referred to as proceeding pro se.

Non-Fatal Strangulation. Strangulation involves external compression of a victim's airway and blood vessels, causing reduced air and blood flow to the brain. Victims may show no or minimal external signs of injury despite having life-threatening internal injuries including traumatic brain injury. Injuries may present after the assault or much later and may persist for months and even years post-assault. Victims who are strangled multiple times face a greater risk of traumatic brain injury. Traumatic brain injury symptoms are often not recognized as assault-related and may include cognitive difficulties such as decreased ability to concentrate, make decisions, and solve problems. Traumatic brain injury symptoms may also include behavior and personality changes such as irritability, impulsivity, and mood swings.

Strangulation or suffocation are often associated with sexual assault and domestic violence and are second-degree assaults and class B felonies. Class B felonies carry a maximum sentence of ten years in prison, a \$20,000 fine, or both.

Forensic nurse examiners are trained to recognize and evaluate victims of nonfatal strangulation for internal and traumatic brain injuries.

Rights of Sexual Assault Survivors. The Washington Constitution grants crime victims basic and fundamental rights, and additional rights are enumerated in statute. Sexual assault survivors are afforded specific statutory rights.

If a sexual assault survivor is denied a right, he or she may seek a court order directing compliance by the relevant party. Compliance with the right is the sole remedy available to the survivor.

Sexual Assault Forensic Examination Best Practices Advisory Group. In 2019, the state established the Sexual Assault Forensic Examination Best Practices Advisory Group (SAFE Advisory Group) within the Attorney General's Office and directed the SAFE Advisory

Group to reduce the number of untested Sexual Assault Kits and review best practice models for managing all aspects of sexual assault investigations. The SAFE Advisory Group expires on July 1, 2026.

Summary of Bill (First Substitute): Victim Witness Questioning. Upon the motion of a prosecuting attorney in any criminal proceeding involving sexual assault or domestic violence in which the defendant is proceeding pro se, the court may conduct, appoint standby counsel to conduct, or appoint an investigator to conduct the direct questioning of the victim witness if certain conditions are met. The court must make particularized findings on the record articulating the the factors which the court based its decision.

Nonfatal Strangulation. A minor age 13 years or older may consent to a forensic examination for the purpose of gathering evidence for possible prosecution for domestic violence assault involving nonfatal strangulation.

Rights of Sexual Assault Survivors. The term sexual assault survivor is changed to sexual violence survivor. Victims of female genital mutilation are afforded the same statutory rights as sexual violence survivors.

Sexual Assault Forensic Examination Best Practices Advisory Group. The SAFE Advisory Group is redesignated and reauthorized until July 1, 2028. The purpose of the SAFE Advisory Group is shifted to recommending actionable, trauma-informed, victim-centered policies related to preventing and addressing sexual violence.

EFFECT OF CHANGES MADE BY LAW & JUSTICE COMMITTEE (First Substitute):

- Amends intent language.
- Replaces processes related to potential appointment of a representative to conduct direct questioning of a witness on behalf of a pro se defendant at the request of a prosecutor or plaintiff in sexual assault or domestic violence criminal or civil cases with new processes allowing courts to appoint standby counsel, investigators, or the court itself to conduct direct questioning of a victim witness in criminal cases involving sexual assault or domestic violence where the defendant is proceeding pro se and on motion of the prosecuting attorney.
- Requires the court to make particularized findings on its decision to allow the appointment of standby counsel or the court, or to require the appointment of an investigator, to conduct direct questioning of victim witnesses.
- Adds a severability clause.

Appropriation: None.

Fiscal Note: Requested on January 8, 2026.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on Original Bill (Law & Justice): *The committee recommended a different version of the bill than what was heard.* PRO: The court process can be re-traumatizing for survivors. Pro se defendants can directly question survivors despite the existence of no-contact orders. Pro se defendants use direct questioning to intimidate, humiliate and re-traumatize survivors. This bill gives judges discretion as to whether a representative should be appointed for the pro se defendant to ask questions of survivors. This will remove the harm of face-to-face questioning of survivors by their abusers, protects the constitutional rights of the defendant to question witnesses, and ensures that survivors are not re-victimized. Currently, there are gaps in resources and services for survivors of female genital mutilation (FGM). This bill would allow survivors of FGM equal access to services provided to other sexual violence and gender-based violence survivors. Allowing minors to consent to domestic violence nonfatal strangulation forensic examinations will ensure timely access to care and support. The continuation of the SAFE Advisory Group is important due to the group's important and effective role in addressing sexual violence. Washington needs the SAFE Advisory Group's expertise to plan how to better use resources and respond to community needs.

CON: There is significant constitutional concerns as it applies to pro se defendant's right to represent themselves. The accused has a Sixth Amendment right to confront witnesses and present the accused's own defense. This includes the right to personally question witnesses. Face-to-face confrontation is enshrined in the Washington Constitution. While our state constitution provides robust face-to-face protections, there is a departure in specific cases involving child witnesses if the state can provide compelling interest in protecting the child from emotional trauma given the unique psychological vulnerabilities of children. The court needs to go through a particular analysis in such specific cases. The adult parameters in similar cases has not been addressed. Without guardrails, the bill is likely unconstitutional.

OTHER: The Attorney General's Office is in full support of reauthorizing the SAFE Advisory Group. There is a lot more work to do to ensure that victims have equitable access to sexual assault forensic exams. The bill aligns with the recommendations of the SAFE Advisory Group.

Persons Testifying (Law & Justice): PRO: Senator Tina Orwall, Prime Sponsor; Abigail Echo-Hawk, Seattle Indian Health Board; Emi Koyama, Coalition for Rights & Safety; Celeste Lucero, Seattle Indian Health Board; Jocelyn Cooney, King County Prosecuting Attorney's Office; Temryss Lane; Gabriella Newman; Kate Garvey, King County Sexual Assault Resource Center; PAULA REED, Children's Advocacy Centers of Washington; Erica Ciganek; Absa Samba, Washington Coalition to End Female Genital Mutilation/Cutting; Muna Osman, Holistic Famy care clinic; Trisha Smith, Dept of Commerce; Severina Lemachokoti, Washington FGM/C. Coalition; Stefania Ramos Birch.

CON: Ramona Brandes, Washington Defender Association/Washington Association of Criminal Defense Lawyers.

OTHER: Lauren Vlas, Attorney General's Office.

Persons Signed In To Testify But Not Testifying (Law & Justice): No one.