
HOUSE BILL 2417

State of Washington

69th Legislature

2026 Regular Session

By Representatives Keaton, Stuebe, Marshall, Leavitt, Jacobsen, Eslick, Shavers, and Reeves; by request of Military Department

Read first time 01/13/26. Referred to Committee on Technology, Economic Development, & Veterans.

1 AN ACT Relating to changing the Washington code of military
2 justice so that it includes certain protections for victims of an
3 offense while serving within the organized militia of Washington;
4 adding a new section to chapter 38.38 RCW; and creating a new
5 section.

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

7 NEW SECTION. **Sec. 1.** The legislature recognizes that members of
8 the Washington national guard serve in both a federal and state
9 capacity. This dual mission is at the core of the citizen soldier's
10 response to the national defense as well as the needs of Washington
11 state during emergencies and disasters. The legislature intends to
12 ensure the same protections afforded to service members who are
13 victims of a crime while in federal status exist when the same
14 members of our national guard are serving in a state capacity.
15 Alignment between the federal uniform code of military justice and
16 the Washington code of military justice is necessary for crime
17 victims to receive the same universal basic rights. Furthermore,
18 consistency between the federal and state military codes and
19 alignment to state law also provides clear guidelines and standards
20 for commanders regarding victims' rights, ensuring consistency in

1 treatment of victims and processing of cases by leaders across the
2 various commands of the Washington air and army national guard.

3 NEW SECTION. **Sec. 2.** A new section is added to chapter 38.38
4 RCW to read as follows:

5 (1) Notwithstanding any other provision of law including, but not
6 limited to, chapter 7.69 RCW and the Washington state Constitution, a
7 victim of an offense under this chapter has the following rights:

8 (a) The right to be reasonably protected from the accused;

9 (b) The right to reasonable, accurate, and timely notice of any
10 of the following:

11 (i) A public hearing concerning the continuation of confinement
12 before the trial of the accused;

13 (ii) An investigation under RCW 38.38.316 relating to the
14 offense;

15 (iii) A court-martial relating to the offense;

16 (iv) A posttrial motion, filing, or hearing that may address the
17 finding or sentence of a court-martial with respect to the accused,
18 unseal privileged or private information of the victim, or result in
19 the release of the accused;

20 (v) A public proceeding of the service clemency and parole board
21 relating to the offense;

22 (vi) The release or escape of the accused, unless such notice may
23 endanger the safety of any person;

24 (c) The right not to be excluded from any public hearing or
25 proceeding described in (b) of this subsection unless the military
26 judge or investigating officer, as applicable, after receiving clear
27 and convincing evidence, determines that testimony by the victim of
28 an offense under this chapter would be materially altered if the
29 victim heard other testimony at that hearing or proceeding;

30 (d) The right to be reasonably heard at any of the following:

31 (i) A public hearing concerning the continuation of confinement
32 before to trial of the accused;

33 (ii) A sentencing hearing relating to the offense;

34 (iii) A public proceeding of the service clemency and parole
35 board relating to the offense;

36 (e) The reasonable right to confer with the counsel representing
37 the state at any proceeding described in (b) of this subsection;

38 (f) The right to receive restitution as provided in law, if
39 applicable;

1 (g) The right to proceedings free from unreasonable delay;

2 (h) The right to be informed in a timely manner of any plea
3 agreement, separation in lieu of trial agreement, or nonprosecution
4 agreement relating to the offense, unless providing such information
5 would jeopardize a law enforcement proceeding or would violate the
6 privacy concerns of an individual other than the accused; and

7 (i) The right to be treated with fairness and with respect for
8 the dignity and privacy of the victim of an offense under this
9 chapter.

10 (2) For the purposes of this section, "victim of an offense under
11 this chapter" means an individual who has suffered direct physical,
12 emotional, or pecuniary harm as a result of the commission of an
13 offense under this chapter.

14 (3) Nothing in this section is construed to:

15 (a) Authorize a cause of action for damages;

16 (b) Create, enlarge, or imply any duty or obligation to any
17 victim of an offense under this chapter or other person for the
18 breach of which the state of Washington or any of its officers or
19 employees could be held liable in damages; or

20 (c) Impair the exercise of discretion under RCW 38.38.308 and
21 38.38.324.

22 (4) (a) Upon notice by counsel for the state to counsel for the
23 accused of the name of an alleged victim of an offense under this
24 chapter who counsel for the state intends to call as a witness at a
25 proceeding under this chapter, counsel for the accused shall make any
26 request to interview the victim through counsel for the victim, if
27 applicable.

28 (b) If requested by an alleged victim who is subject to a request
29 for interview under (a) of this subsection, any interview of the
30 victim by counsel for the accused shall take place only in the
31 presence of the counsel for the state, or, if applicable, counsel for
32 the victim or a victim advocate.

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