
SUBSTITUTE SENATE BILL 5052

State of Washington

69th Legislature

2025 Regular Session

By Senate Human Services (originally sponsored by Senators Salomon, Dhingra, Frame, Llias, Saldaña, and Wellman)

READ FIRST TIME 02/13/25.

1 AN ACT Relating to clarifying law enforcement ability to contact
2 juvenile witnesses and victims not suspected of criminal involvement
3 or activity; amending RCW 13.40.740; and creating a new section.

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

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

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

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

20 (a) Questions (~~(a juvenile during a custodial interrogation;~~

1 ~~(b) Detains~~) a juvenile who is detained based on probable cause
2 of involvement in criminal activity; or

3 ~~((e))~~ (b) Requests that the juvenile provide consent to an
4 evidentiary search of the juvenile or the juvenile's property,
5 dwellings, or vehicles under the juvenile's control.

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

8 (3) Statements made by a juvenile after the juvenile is contacted
9 by a law enforcement officer in a manner described under subsection
10 (1) of this section are not admissible in a juvenile offender or
11 adult criminal court proceeding, unless:

12 (a) The juvenile has been provided with access to an attorney for
13 consultation; and the juvenile provides an express waiver knowingly,
14 intelligently, and voluntarily made by the juvenile after the
15 juvenile has been fully informed of the rights being waived as
16 required under RCW 13.40.140;

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

18 (c) The statement was made spontaneously.

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

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

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

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

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

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

1 (6) Nothing in this section shall be construed to prevent the
2 admissibility of evidence otherwise obtained lawfully from being
3 introduced into evidence.

4 (7) For purposes of this section, the following definitions
5 apply:

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

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

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