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**SENATE BILL 5295**

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**State of Washington**

**69th Legislature**

**2025 Regular Session**

**By** Senators Orwall, Dhingra, Frame, Gildon, Krishnadasan, Lias, Nobles, Riccelli, Slatter, Stanford, Trudeau, Valdez, C. Wilson, and J. Wilson

Read first time 01/16/25. Referred to Committee on Law & Justice.

1 AN ACT Relating to updating Washington's sexual assault survivor  
2 bill of rights to enhance eligibility for federal grant funding; and  
3 amending RCW 70.125.110.

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

5 **Sec. 1.** RCW 70.125.110 and 2021 c 118 s 4 are each amended to  
6 read as follows:

7 (1) In addition to all other rights provided in law, a sexual  
8 assault survivor has the right to:

9 (a) Receive a medical forensic examination at no cost;

10 (b) Receive written notice of the right under (a) of this  
11 subsection and that he or she may be eligible for other benefits  
12 under the crime victim compensation program, through a form developed  
13 by the office of crime victims advocacy, from the medical facility  
14 providing the survivor medical treatment relating to the sexual  
15 assault;

16 (c) Receive a referral to an accredited community sexual assault  
17 program or, in the case of a survivor who is a minor, receive a  
18 connection to services in accordance with the county child sexual  
19 abuse investigation protocol under RCW 26.44.180, which may include a  
20 referral to a children's advocacy center, when presenting at a

1 medical facility for medical treatment relating to the assault and  
2 also when reporting the assault to a law enforcement officer;

3 (d) Consult with a sexual assault survivor's advocate throughout  
4 the investigatory process and prosecution of the survivor's case,  
5 including during: Any medical evidentiary examination at a medical  
6 facility; any interview by law enforcement officers, prosecuting  
7 attorneys, or defense attorneys; and court proceedings, except while  
8 providing testimony in a criminal trial, in which case the advocate  
9 may be present in the courtroom. Medical facilities, law enforcement  
10 officers, prosecuting attorneys, defense attorneys, courts and other  
11 applicable criminal justice agencies, including correctional  
12 facilities, are responsible for providing advocates access to  
13 facilities where necessary to fulfill the requirements under this  
14 subsection. The right in this subsection applies regardless of  
15 whether a survivor has waived the right in a previous examination or  
16 interview;

17 (e) Be informed in writing of policies governing the collection  
18 and preservation of a sexual assault kit;

19 (f) Be informed, upon the request of a survivor, of when the  
20 forensic analysis of his or her sexual assault kit and other related  
21 physical evidence will be or was completed, the results of the  
22 forensic analysis, and whether the analysis yielded a DNA profile and  
23 match, provided that the disclosure is made at an appropriate time so  
24 as to not impede or compromise an ongoing investigation;

25 (~~((f) Receive notice prior to the)~~) (g) Upon written request of a  
26 survivor, be granted further preservation of his or her sexual  
27 assault kit or its probative contents, without charge;

28 (h) Upon written request of a survivor, receive written  
29 notification from the appropriate official with custody of his or her  
30 sexual assault kit not later than 60 days before the date of the  
31 intended destruction or disposal of his or her sexual assault kit;

32 (~~((g))~~) (i) Receive a copy of the police report related to the  
33 investigation without charge;

34 (~~((h))~~) (j) Review his or her statement before law enforcement  
35 refers a case to the prosecuting attorney;

36 (~~((i))~~) (k) Receive timely notifications from the law enforcement  
37 agency and prosecuting attorney as to the status of the investigation  
38 and any related prosecution of the survivor's case;

39 (~~((j))~~) (l) Be informed by the law enforcement agency and  
40 prosecuting attorney as to the expected and appropriate time frames

1 for receiving responses to the survivor's inquiries regarding the  
2 status of the investigation and any related prosecution of the  
3 survivor's case; and further, receive responses to the survivor's  
4 inquiries in a manner consistent with those time frames;

5 ~~((k))~~ (m) Access interpreter services where necessary to  
6 facilitate communication throughout the investigatory process and  
7 prosecution of the survivor's case; and

8 ~~((l))~~ (n) Where the sexual assault survivor is a minor, have:

9 (i) The prosecutor consider and discuss the survivor's requests  
10 for remote video testimony under RCW 9A.44.150 when appropriate; and

11 (ii) The court consider requests from the prosecutor for  
12 safeguarding the survivor's feelings of security and safety in the  
13 courtroom in order to facilitate the survivor's testimony and  
14 participation in the criminal justice process.

15 (2) A sexual assault survivor retains all the rights of this  
16 section regardless of whether the survivor agrees to participate in  
17 the criminal justice system and regardless of whether the survivor  
18 agrees to receive a forensic examination to collect evidence.

19 (3) If a survivor is denied any right enumerated in subsection  
20 (1) of this section, he or she may seek an order directing compliance  
21 by the relevant party or parties by filing a petition in the superior  
22 court in the county in which the sexual assault occurred and  
23 providing notice of such petition to the relevant party or parties.  
24 Compliance with the right is the sole remedy available to the  
25 survivor. The court shall expedite consideration of a petition filed  
26 under this subsection.

27 (4) Nothing contained in this section may be construed to provide  
28 grounds for error in favor of a criminal defendant in a criminal  
29 proceeding. Except in the circumstances as provided in subsection (3)  
30 of this section, this section does not grant a new cause of action or  
31 remedy against the state, its political subdivisions, law enforcement  
32 agencies, or prosecuting attorneys. The failure of a person to make a  
33 reasonable effort to protect or adhere to the rights enumerated in  
34 this section may not result in civil liability against that person.  
35 This section does not limit other civil remedies or defenses of the  
36 sexual assault survivor or the offender.

37 (5) For the purposes of this section:

38 (a) "Law enforcement officer" means a general authority  
39 Washington peace officer, as defined in RCW 10.93.020, or any person  
40 employed by a private police agency at a public school as described

1 in RCW 28A.150.010 or an institution of higher education, as defined  
2 in RCW 28B.10.016.

3 (b) "Sexual assault survivor" means any person who is a victim,  
4 as defined in RCW 7.69.020, of sexual assault. However, if a victim  
5 is incapacitated, deceased, or a minor, sexual assault survivor also  
6 includes any lawful representative of the victim, including a parent,  
7 guardian, spouse, or other designated representative, unless the  
8 person is an alleged perpetrator or suspect.

9 (c) "Sexual assault survivor's advocate" means any person who is  
10 defined in RCW 5.60.060 as a sexual assault advocate, or a crime  
11 victim advocate.

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