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ENGROSSED SECOND SUBSTITUTE SENATE BILL 5355

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State of Washington

69th Legislature

2025 Regular Session

**By** Senate Ways & Means (originally sponsored by Senators Orwall, Slatter, Dhingra, Hasegawa, Nobles, Stanford, Trudeau, Valdez, and C. Wilson)

READ FIRST TIME 02/28/25.

1 AN ACT Relating to improving safety at institutions of higher  
2 education while supporting survivors of sexual assault; amending RCW  
3 28B.10.735 and 70.125.110; and adding a new section to chapter  
4 28B.112 RCW.

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

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 28B.112  
7 RCW to read as follows:

8 Postsecondary educational institutions may not propose, request,  
9 or pressure a student reporting sexual misconduct in a complaint  
10 filed with the institution under Title IX or otherwise, with law  
11 enforcement, or in a civil court action to enter into a nondisclosure  
12 agreement relating to the alleged sexual misconduct by another  
13 student or employee of the institution.

14 **Sec. 2.** RCW 28B.10.735 and 2020 c 39 s 3 are each amended to  
15 read as follows:

16 (1) Within existing resources, (~~every institution of higher~~  
17 ~~education as defined in RCW 28B.10.016 that issues~~) student  
18 identification cards, faculty or staff identification cards, or both,  
19 must have printed on either side of the identification cards:

1 (a) The contact information for a national suicide prevention  
2 organization; (~~and~~)

3 (b) The contact information for one or more campus, local, state,  
4 or national organizations specializing in suicide prevention, crisis  
5 intervention, or counseling, if available; and

6 (c) The phone number of a regional community-based organization  
7 focused on survivors of sexual assault, sexual harassment, and sex-  
8 based and gender-based violence that provides 24/7 support.

9 (2) (a) The requirements in subsection (1) (a) and (b) of this  
10 section apply to student identification cards and faculty or staff  
11 identification cards issued for the first time and issued to replace  
12 a damaged or lost identification card at an institution of higher  
13 education as defined in RCW 28B.10.016.

14 (b) The requirements in subsection (1) (c) of this section apply  
15 to student identification cards issued for the first time and issued  
16 to replace a damaged or lost identification card at a state  
17 university, regional university, and the state college, as defined in  
18 RCW 28B.10.016.

19 **Sec. 3.** RCW 70.125.110 and 2021 c 118 s 4 are each amended to  
20 read as follows:

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

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

24 (b) Receive written notice of the right under (a) of this  
25 subsection and that he or she may be eligible for other benefits  
26 under the crime victim compensation program, through a form developed  
27 by the office of crime victims advocacy, from the medical facility  
28 providing the survivor medical treatment relating to the sexual  
29 assault;

30 (c) Receive a referral to an accredited community sexual assault  
31 program or, in the case of a survivor who is a minor, receive a  
32 connection to services in accordance with the county child sexual  
33 abuse investigation protocol under RCW 26.44.180, which may include a  
34 referral to a children's advocacy center, when presenting at a  
35 medical facility for medical treatment relating to the assault and  
36 also when reporting the assault to a law enforcement officer;

37 (d) Consult with a sexual assault survivor's advocate throughout  
38 the investigatory process and prosecution of the survivor's case,  
39 including during: Any medical evidentiary examination at a medical

1 facility; any interview by law enforcement officers, prosecuting  
2 attorneys, or defense attorneys; and court proceedings, except while  
3 providing testimony in a criminal trial, in which case the advocate  
4 may be present in the courtroom. Medical facilities, law enforcement  
5 officers, prosecuting attorneys, defense attorneys, courts and other  
6 applicable criminal justice agencies, including correctional  
7 facilities, are responsible for providing advocates access to  
8 facilities where necessary to fulfill the requirements under this  
9 subsection. The right in this subsection applies regardless of  
10 whether a survivor has waived the right in a previous examination or  
11 interview;

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

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

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

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

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

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

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

34 ~~((j))~~ (l) Be informed by the law enforcement agency and  
35 prosecuting attorney as to the expected and appropriate time frames  
36 for receiving responses to the survivor's inquiries regarding the  
37 status of the investigation and any related prosecution of the  
38 survivor's case; and further, receive responses to the survivor's  
39 inquiries in a manner consistent with those time frames;

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

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

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

7       (ii) The court consider requests from the prosecutor for  
8 safeguarding the survivor's feelings of security and safety in the  
9 courtroom in order to facilitate the survivor's testimony and  
10 participation in the criminal justice process.

11       (2) A sexual assault survivor retains all the rights of this  
12 section regardless of whether the survivor agrees to participate in  
13 the criminal justice system and regardless of whether the survivor  
14 agrees to receive a forensic examination to collect evidence.

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

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

33       (5) For the purposes of this section:

34       (a) "Law enforcement officer" means a general authority  
35 Washington peace officer, as defined in RCW 10.93.020, or any person  
36 employed by a private police agency at a public school as described  
37 in RCW 28A.150.010 or an institution of higher education, as defined  
38 in RCW 28B.10.016.

39       (b) "Sexual assault survivor" means any person who is a victim,  
40 as defined in RCW 7.69.020, of sexual assault. However, if a victim

1 is incapacitated, deceased, or a minor, sexual assault survivor also  
2 includes any lawful representative of the victim, including a parent,  
3 guardian, spouse, or other designated representative, unless the  
4 person is an alleged perpetrator or suspect.

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

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