
SUBSTITUTE SENATE BILL 6017

State of Washington

69th Legislature

2026 Regular Session

By Senate Law & Justice (originally sponsored by Senators Orwall, Dhingra, Nobles, and C. Wilson)

READ FIRST TIME 01/30/26.

1 AN ACT Relating to supporting crime victims and witnesses by
2 promoting victim-centered, trauma-informed responses; amending RCW
3 70.125.030, 70.125.110, and 43.10.801; adding new sections to chapter
4 7.69 RCW; and creating a new section.

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

6 NEW SECTION. **Sec. 1.** The legislature finds that over 500,000
7 women in the United States are at risk of or have undergone female
8 genital mutilation, including 25,000 women and girls in Washington
9 state. The legislature further finds that the Seattle-Tacoma-Bellevue
10 metro is among the five highest rates of impacted and at-risk
11 communities in the United States, making addressing female genital
12 mutilation and other sexual violence critical.

13 It is the intent of the legislature to expand the rights of
14 survivors of sexual assault to survivors of all acts of sexual
15 violence, including female genital mutilation. The legislature
16 further intends to extend the life cycle of the SAFE advisory group
17 and expand its duties to include researching and making
18 recommendations on trauma-informed, culturally sensitive policies to
19 prevent and address female genital mutilation and other acts of
20 sexual violence.

1 The legislature declares that protection of victim witnesses in
2 sexual assault and domestic violence cases is a substantial and
3 compelling interest of the state. Sexual assault and domestic
4 violence cases are some of the most difficult cases to prosecute.
5 When sexual assault and domestic violence cases are prosecuted, a
6 victim witness may suffer serious emotional and mental trauma from
7 exposure to the defendant or from testifying in open court. In rare
8 cases, the victim witness is so traumatized that the victim witness
9 is unable to testify at trial and is unavailable as a witness, or the
10 victim witness's ability to communicate in front of the jury or
11 defendant is so reduced that the truth-seeking function of trial is
12 impaired. In other rare cases, the victim witness is able to proceed
13 to trial but suffers long-lasting trauma as a result of testifying in
14 court or in front of the defendant. This trauma is further
15 exasperated when questioned by a pro se defendant. A pro se
16 defendant's unfettered access to the victim of sexual assault or
17 domestic violence continues the psychological trauma inflicted upon
18 the victim. The creation of procedural processes designed to enhance
19 the truth-seeking process and to shield victim witnesses from the
20 trauma of exposure to the defendant and the courtroom is a compelling
21 state interest.

22 The legislature further declares that it intends to protect
23 victim witnesses in sexual assault and domestic violence cases while
24 upholding the rights of defendants under *Faretta v. California*, 422
25 U.S. 806 (1975), the Sixth Amendment to the federal Constitution, and
26 Article I, section 22 of the state Constitution, by applying the
27 balancing test for the use of closed-circuit testimony of children
28 witnesses in *State v. Foster*, 135 Wn.2d 441, 957 P.2d 712 (1998) to
29 such victim witnesses. The legislature finds that applying the
30 balancing test in *State v. Foster* when permitting the court to
31 conduct, or appoint the use of standby counsel to conduct, the direct
32 questioning of victim witnesses in sexual assault and domestic
33 violence cases where the defendant is proceeding pro se is necessary
34 to further the substantial and compelling state interest in
35 protecting the welfare of the particular victim witness, would assure
36 the reliability of the testimony of such a victim witness, and ensure
37 that a defendant's *Faretta* rights are not infringed.

38 NEW SECTION. **Sec. 2.** A new section is added to chapter 7.69 RCW
39 to read as follows:

1 (1) In any case involving sexual assault or domestic violence in
2 which the defendant is proceeding pro se, on motion of the
3 prosecuting attorney in a criminal proceeding, the court may conduct,
4 or appoint standby counsel to conduct, the direct questioning of the
5 victim witness during trial if:

6 (a) The testimony will:

7 (i) Describe an act or attempted act of sexual contact or sexual
8 assault performed with or on the victim witness by another person; or

9 (ii) Describe an act or attempted act of domestic violence
10 against the victim witness by another person;

11 (b) The testimony is taken during a criminal proceeding;

12 (c) The court finds by substantial evidence, in a hearing
13 conducted outside the presence of the jury, that:

14 (i) The victim witness involved would be traumatized;

15 (ii) The source of the trauma is not the courtroom generally, but
16 the presence of the defendant; and

17 (iii) The emotional or mental distress suffered by the victim
18 witness would be more than de minimis;

19 (d) The court finds that the prosecutor has made all reasonable
20 efforts to prepare the victim witness for testifying. If the
21 prosecutor fails to demonstrate the preparations were implemented or
22 the prosecutor in good faith attempted to implement them, the court
23 shall deny the motion;

24 (e) The court balances the strength of the state's case without
25 the testimony of the victim witness against the defendant's
26 constitutional rights and the degree of infringement of having
27 standby counsel or the court inquire of the witness;

28 (f) The court finds that no less restrictive method of obtaining
29 the testimony exists that can adequately protect the victim witness
30 from suffering emotional or mental distress that was more than de
31 minimis; and

32 (g) When the court conducts, or appoints standby counsel to
33 conduct, direct questioning of the victim witness for the pro se
34 defendant, the defendant shall have the opportunity to write
35 additional questions and have such questions asked if appropriate
36 under the applicable evidentiary rules and case law. Reasonable court
37 recesses must be granted to facilitate the pro se defendant's ability
38 to meaningfully cross-examine a witness through standby counsel or
39 the court.

1 (2) During the hearing conducted under subsection (1) of this
2 section to determine if the court will conduct, or appoint standby
3 counsel to conduct, direct questioning of a victim witness, the court
4 may conduct the observation and examination of the victim upon direct
5 questioning of the prosecutor. The pro se defendant shall have an
6 opportunity to oppose the prosecutor's request to have standby
7 counsel or the court conduct direct questioning. The pro se defendant
8 may not have the opportunity to question the victim witness directly
9 at this hearing but may present argument supporting their opposition.

10 (3) In any case involving sexual assault or domestic violence in
11 which the defendant is proceeding pro se, on motion of the
12 prosecuting attorney in a criminal proceeding, the court may appoint
13 standby counsel or require an investigator to conduct the direct
14 questioning of the victim witness during trial preparation if:

15 (a) The anticipated testimony will:

16 (i) Describe an act or attempted act of sexual contact or sexual
17 assault performed with or on the victim witness by another person; or

18 (ii) Describe an act or attempted act of domestic violence
19 against the victim witness by another person; and

20 (b) The anticipated testimony is taken for the purposes of
21 preparing for a criminal proceeding.

22 (4) The court shall make particularized findings on the record
23 articulating the factors on which the court based its decision to
24 allow the appointment of standby counsel or the court to conduct
25 direct questioning of the victim witness as outlined in subsection
26 (1) of this section. The court shall make particularized findings on
27 the record articulating the factors on which the court based its
28 decision to require the appointment of standby counsel or an
29 investigator to conduct questioning of the victim witness as outlined
30 in subsection (3) of this section. The factors the court may consider
31 under subsections (1) and (3) of this section include, but are not
32 limited to, consideration of: The victim witness's age, physical
33 health, emotional stability, expressions of fear of testifying in
34 open court by the defendant, and expressions of fear of being
35 questioned directly by the defendant during trial preparation; the
36 relationship of the defendant to the victim; the nature of the
37 underlying offense and the traumatization the victim witness will
38 experience from being questioned directly by the defendant; the
39 victim witness's ability to testify in front of the jury, the
40 defendant, or both; and the specific nature or emotional or mental

1 trauma the victim witness will suffer. The court shall determine
2 whether the source of the trauma is the defendant, the jury, or both,
3 and may conduct, or appoint standby counsel to conduct, direct
4 questioning of the victim witness accordingly.

5 (5) As used in this section:

6 (a) "Sexual assault" has the same meaning as in RCW 70.125.030.

7 (b) "Sexual contact" has the same meaning as in RCW 9A.44.010.

8 (c) "Domestic violence" has the same meaning as in RCW 10.99.020.

9 NEW SECTION. **Sec. 3.** A new section is added to chapter 7.69 RCW
10 to read as follows:

11 Any minor age 13 years or older may consent to a forensic
12 examination conducted for the purposes of gathering evidence for
13 possible prosecution for domestic violence assault involving nonfatal
14 strangulation.

15 **Sec. 4.** RCW 70.125.030 and 2012 c 29 s 10 are each amended to
16 read as follows:

17 The definitions in this section apply throughout this chapter
18 unless the context clearly requires otherwise.

19 (1) "Community sexual assault program" means a community-based
20 social service agency that is qualified to provide and provides core
21 services to victims of sexual assault.

22 (2) "Core services" means those services that are victim-centered
23 community-based advocacy responses to alleviate the impact of sexual
24 assault, as delineated in the Washington state sexual assault
25 services plan of 1995 and its subsequent revisions.

26 (3) "Department" means the department of commerce.

27 (4) "Female genital mutilation" has the same meaning as in RCW
28 9A.36.175.

29 (5) "Law enforcement agencies" means police and sheriff's
30 departments and tribal law enforcement departments or agencies of
31 this state.

32 ~~((+5))~~ (6) "Personal representative" means a friend, relative,
33 attorney, or employee or volunteer from a community sexual assault
34 program or specialized treatment service provider.

35 ~~((+6))~~ (7) "Services for underserved populations" means
36 culturally relevant victim-centered community-based advocacy
37 responses to alleviate the impact of sexual assault, as delineated in

1 the Washington state sexual assault services plan of 1995 and its
2 subsequent revisions.

3 ~~((7))~~ (8) "Sexual assault" means one or more of the following:

- 4 (a) Rape or rape of a child;
- 5 (b) Assault with intent to commit rape or rape of a child;
- 6 (c) Incest or indecent liberties;
- 7 (d) Child molestation;
- 8 (e) Sexual misconduct with a minor;
- 9 (f) Custodial sexual misconduct;
- 10 (g) Crimes with a sexual motivation;
- 11 (h) Sexual exploitation or commercial sex abuse of a minor;
- 12 (i) Promoting prostitution; or
- 13 (j) An attempt to commit any of the aforementioned offenses.

14 ~~((8))~~ (9) "Specialized services" means those services intended
15 to alleviate the impact of sexual assault, as delineated in the
16 Washington state sexual assault services plan of 1995 and its
17 subsequent revisions.

18 ~~((9))~~ (10) "Victim" means any person who suffers physical,
19 emotional, financial, and psychological impact as a proximate result
20 of a sexual assault.

21 **Sec. 5.** RCW 70.125.110 and 2025 c 124 s 3 are each amended to
22 read as follows:

23 (1) In addition to all other rights provided in law, a sexual
24 ~~(assault)~~ violence survivor has the right to:

- 25 (a) Receive a medical forensic examination at no cost;
- 26 (b) Receive written notice of the right under (a) of this
27 subsection and that he or she may be eligible for other benefits
28 under the crime victim compensation program, through a form developed
29 by the office of crime victims advocacy, from the medical facility
30 providing the survivor medical treatment relating to the sexual
31 assault;

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

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

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

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

23 (g) Upon written request of a survivor, be granted further
24 preservation of his or her sexual assault kit or its probative
25 contents, without charge;

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

30 (i) Receive a copy of the police report related to the
31 investigation without charge;

32 (j) Review his or her statement before law enforcement refers a
33 case to the prosecuting attorney;

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

37 (l) Be informed by the law enforcement agency and prosecuting
38 attorney as to the expected and appropriate time frames for receiving
39 responses to the survivor's inquiries regarding the status of the
40 investigation and any related prosecution of the survivor's case; and

1 further, receive responses to the survivor's inquiries in a manner
2 consistent with those time frames;

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

6 (n) Where the sexual (~~assault~~) violence survivor is a minor,
7 have:

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

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

14 (2) A sexual (~~assault~~) violence survivor retains all the rights
15 of this section regardless of whether the survivor agrees to
16 participate in the criminal justice system and regardless of whether
17 the survivor agrees to receive a forensic examination to collect
18 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~~) violence 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~~) violence survivor" means any person who
4 is a victim, as defined in RCW 7.69.020, of sexual assault or female
5 genital mutilation. However, if a victim is incapacitated, deceased,
6 or a minor, sexual (~~assault~~) violence survivor also includes any
7 lawful representative of the victim, including a parent, guardian,
8 spouse, or other designated representative, unless the person is an
9 alleged perpetrator or suspect.

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

13 **Sec. 6.** RCW 43.10.801 and 2023 c 197 s 1 are each amended to
14 read as follows:

15 (1) (a) The (~~sexual assault forensic examination best practices~~)
16 SAFE advisory group is established within the office of the attorney
17 general for the purpose of (~~reviewing best practice models for~~
18 ~~managing all aspects of sexual assault investigations and for~~
19 ~~reducing the number of untested sexual assault kits in Washington~~
20 ~~state~~) recommending actionable, trauma-informed, victim-centered
21 policies related to preventing and addressing sexual violence.

22 (i) The caucus leaders from the senate shall appoint one member
23 from each of the two largest caucuses of the senate.

24 (ii) The caucus leaders from the house of representatives shall
25 appoint one member from each of the two largest caucuses of the house
26 of representatives.

27 (iii) The attorney general, in consultation with the legislative
28 members of the advisory group, shall appoint:

29 (A) One member representing each of the following:

30 (I) The Washington state patrol;

31 (II) The Washington association of sheriffs and police chiefs;

32 (III) The Washington association of prosecuting attorneys;

33 (IV) The Washington defender association or the Washington
34 association of criminal defense lawyers;

35 (V) The Washington association of cities;

36 (VI) The Washington association of county officials or the
37 Washington state association of counties;

38 (VII) The (~~Washington coalition of sexual assault programs~~)
39 designated statewide sexual assault coalition;

1 (VIII) The office of crime victims advocacy;
2 (IX) The Washington state hospital association;
3 (X) The office of the attorney general; and
4 (XI) The criminal justice training commission;
5 (B) (~~Two~~) Three members representing survivors of sexual
6 (~~assault~~) violence;
7 (C) One member who is a sexual assault (~~nurse~~) forensic
8 examiner;
9 (D) Two members who are law enforcement officers, one from a
10 rural area and one from an urban area of the state;
11 (E) One member who is a prosecuting attorney serving in a county
12 in a rural area of the state; and
13 (F) Two members who are community-based advocates, one from a
14 rural area and one from an urban area of the state.
15 (b) When appointing members under (a)(iii)(D) of this subsection,
16 the office of the attorney general shall solicit recommendations from
17 statewide labor organizations representing law enforcement officers.
18 (2) The duties of the advisory group include, but are not limited
19 to:
20 (a) Researching (~~the~~) and advancing best practice models both
21 in state and from other states for collaborative responses to victims
22 of sexual (~~assault from the point the sexual assault kit is~~
23 ~~collected to the conclusion of the~~) violence related to accessing
24 medical forensic examinations and community-based support services,
25 enhancing investigation and prosecution of a case, and providing
26 recommendations regarding any existing gaps in Washington and
27 resources that may be necessary to address those gaps;
28 (b) Researching and making recommendations on opportunities to
29 increase access to, and availability of, critical sexual assault
30 (~~nurse~~) forensic examiner services and enhancing statewide
31 coordination of forensic services;
32 (c) Monitoring the testing (~~of the backlog of sexual assault~~
33 ~~kits and the supply chain and distribution~~), supply chain, and
34 distribution of sexual assault and nonfatal strangulation evidence
35 collection kits;
36 (d) Monitoring implementation of state and federal legislative
37 changes;
38 (e) Collaborating with the legislature, state agencies, medical
39 facilities, and local governments to implement reforms (~~pursuant to~~
40 ~~federal grant requirements~~); and

1 (f) Making recommendations for institutional reforms necessary to
2 prevent sexual (~~assault~~) violence and improve the experiences of
3 (~~sexual assault~~) survivors in the criminal justice system, with
4 special focus on, but not limited to, Black, indigenous, and other
5 populations disproportionately impacted by sexual violence.

6 (3) The office of the attorney general shall administer and
7 provide staff support to the advisory group.

8 (4) Legislative members of the advisory group must be reimbursed
9 for travel expenses in accordance with RCW 44.04.120. Nonlegislative
10 members, except those representing an employer or organization, are
11 entitled to be reimbursed for travel expenses in accordance with RCW
12 43.03.050 and 43.03.060.

13 (5) The advisory group must meet no less than twice annually.

14 (6) The advisory group shall report its findings and
15 recommendations to the appropriate committees of the legislature and
16 the governor by December 15th of each year.

17 (7) This section expires July 1, (~~2026~~) 2028.

18 NEW SECTION. **Sec. 7.** If any provision of this act or its
19 application to any person or circumstance is held invalid, the
20 remainder of the act or the application of the provision to other
21 persons or circumstances is not affected.

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