
SECOND SUBSTITUTE SENATE BILL 6017

State of Washington

69th Legislature

2026 Regular Session

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

READ FIRST TIME 02/09/26.

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 defendant is
11 so reduced that the truth-seeking function of trial is impaired. In
12 other rare cases, the victim witness is able to proceed to trial but
13 suffers long-lasting trauma as a result of testifying in court or in
14 front of the defendant. This trauma is further exacerbated when
15 questioned by a pro se defendant. A pro se defendant's unfettered
16 access to the victim of sexual assault or domestic violence continues
17 the psychological trauma inflicted upon the victim. The creation of
18 procedural processes designed to enhance the truth-seeking process
19 and to shield victim witnesses from the trauma of exposure to the
20 defendant and the courtroom is a compelling state interest.

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

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

1 (1) On motion of the prosecuting attorney in any criminal
2 proceeding involving sexual assault or domestic violence in which the
3 defendant is proceeding pro se, whether or not the motion is at the
4 request of the victim witness, the court may conduct, or appoint
5 standby counsel to conduct, all examination of the victim witness on
6 behalf of the pro se defendant during trial if:

7 (a) The testimony will:

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

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

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

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

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

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

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

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

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

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

33 (g) When the court conducts, or appoints standby counsel to
34 conduct, all examination of the victim witness on behalf of the pro
35 se defendant, the pro se defendant shall have the opportunity to
36 write additional questions and have such questions asked if
37 appropriate under the applicable evidentiary rules and case law.
38 Reasonable court recesses must be granted to facilitate the pro se
39 defendant's ability to meaningfully cross-examine a witness through
40 standby counsel or 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, all examination of a victim witness on behalf of
4 the pro se defendant, the court may conduct the observation and
5 examination of the victim upon request of the prosecutor. The pro se
6 defendant shall have an opportunity to oppose the prosecutor's
7 request to have standby counsel or the court conduct all examination
8 on behalf of the pro se defendant. The pro se defendant may not have
9 the opportunity to question the victim witness face-to-face at this
10 hearing but may present arguments supporting the defendant's
11 opposition.

12 (3) On motion of the prosecuting attorney in any criminal
13 proceeding involving sexual assault or domestic violence in which the
14 defendant is proceeding pro se, whether or not the motion is at the
15 request of the victim witness, the court may appoint standby counsel
16 or an investigator to conduct all examination of the victim witness
17 on behalf of the pro se defendant during trial preparation if:

18 (a) The anticipated testimony will:

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

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

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

25 (4) The court shall make particularized findings on the record
26 articulating the factors upon which the court based its decision to
27 appoint standby counsel to conduct, appoint an investigator to
28 conduct, or have the court itself conduct all examination of the
29 victim witness on behalf of the pro se defendant pursuant to this
30 section. The factors the court may consider include, but are not
31 limited to, consideration of: The victim witness's age, physical
32 health, emotional stability, expressions of fear of being examined in
33 open court by the defendant, and expressions of fear of being
34 examined by the defendant during trial preparation; the relationship
35 of the defendant to the victim witness; the nature of the underlying
36 offense and the traumatization the victim witness will experience
37 from being examined by the defendant; the victim witness's ability to
38 testify in front of the defendant; and the specific nature or
39 emotional or mental trauma the victim witness will suffer. The
40 court's findings shall identify the impact the factors have upon the

1 victim witness's ability to testify in front of the defendant and the
2 specific nature of the emotional or mental trauma the victim witness
3 would suffer. The court shall determine whether the source of the
4 trauma is the defendant and may conduct, appoint standby counsel to
5 conduct, or appoint an investigator to conduct, all examination of
6 the victim witness on behalf of the pro se defendant pursuant to this
7 section.

8 (5) As used in this section:

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

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

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

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

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

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

20 The definitions in this section apply throughout this chapter
21 unless the context clearly requires otherwise.

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

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

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

30 (4) "Female genital mutilation" has the same meaning as in RCW
31 9A.36.175.

32 (5) "Law enforcement agencies" means police and sheriff's
33 departments and tribal law enforcement departments or agencies of
34 this state.

35 (~~(5)~~) (6) "Personal representative" means a friend, relative,
36 attorney, or employee or volunteer from a community sexual assault
37 program or specialized treatment service provider.

1 ((+6)) (7) "Services for underserved populations" means
2 culturally relevant victim-centered community-based advocacy
3 responses to alleviate the impact of sexual assault, as delineated in
4 the Washington state sexual assault services plan of 1995 and its
5 subsequent revisions.

6 ((+7)) (8) "Sexual assault" means one or more of the following:

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

17 ((+8)) (9) "Specialized services" means those services intended
18 to alleviate the impact of sexual assault, as delineated in the
19 Washington state sexual assault services plan of 1995 and its
20 subsequent revisions.

21 ((+9)) (10) "Victim" means any person who suffers physical,
22 emotional, financial, and psychological impact as a proximate result
23 of a sexual assault.

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

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

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

35 (c) Receive a referral to an accredited community sexual assault
36 program or, in the case of a survivor who is a minor, receive a
37 connection to services in accordance with the county child sexual
38 abuse investigation protocol under RCW 26.44.180, which may include a
39 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~~) violence survivor's
4 advocate throughout the investigatory process and prosecution of the
5 survivor's case, including during: Any medical evidentiary
6 examination at a medical facility; any interview by law enforcement
7 officers, prosecuting attorneys, or defense attorneys; and court
8 proceedings, except while providing testimony in a criminal trial, in
9 which case the advocate may be present in the courtroom. Medical
10 facilities, law enforcement officers, prosecuting attorneys, defense
11 attorneys, courts and other applicable criminal justice agencies,
12 including correctional facilities, are responsible for providing
13 advocates access to facilities where necessary to fulfill the
14 requirements under this subsection. The right in this subsection
15 applies regardless of whether a survivor has waived the right in a
16 previous examination or 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 (g) Upon written request of a survivor, be granted further
26 preservation of his or her sexual assault kit or its probative
27 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 (i) Receive a copy of the police report related to the
33 investigation without charge;

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

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

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

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

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

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

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

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

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

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

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

39 (5) For the purposes of this section:

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

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

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

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

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

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

27 (ii) The caucus leaders from the house of representatives shall
28 appoint one member from each of the two largest caucuses of the house
29 of representatives.

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

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

33 (I) The Washington state patrol;

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

35 (III) The Washington association of prosecuting attorneys;

36 (IV) The Washington defender association or the Washington
37 association of criminal defense lawyers;

38 (V) The Washington association of cities;

1 (VI) The Washington association of county officials or the
2 Washington state association of counties;

3 (VII) The ~~((Washington coalition of sexual assault programs))~~
4 designated statewide sexual assault coalition;

5 (VIII) The office of crime victims advocacy;

6 (IX) The Washington state hospital association;

7 (X) The office of the attorney general; and

8 (XI) The criminal justice training commission;

9 (B) ~~((Two))~~ Three members representing survivors of sexual
10 ~~((assault))~~ violence;

11 (C) One member who is a sexual assault ~~((nurse))~~ forensic
12 examiner;

13 (D) Two members who are law enforcement officers, one from a
14 rural area and one from an urban area of the state;

15 (E) One member who is a prosecuting attorney serving in a county
16 in a rural area of the state; ~~((and))~~

17 (F) Two members who are community-based advocates, one from a
18 rural area and one from an urban area of the state; and

19 (G) One member representing children's advocacy centers.

20 (b) When appointing members under (a) (iii) (D) of this subsection,
21 the office of the attorney general shall solicit recommendations from
22 statewide labor organizations representing law enforcement officers.

23 (2) The duties of the advisory group include, but are not limited
24 to:

25 (a) Researching ~~((the))~~ and advancing best practice models both
26 in state and from other states for collaborative responses to victims
27 of sexual ~~((assault from the point the sexual assault kit is~~
28 ~~collected to the conclusion of the))~~ violence related to accessing
29 medical forensic examinations and community-based support services,
30 enhancing investigation and prosecution of a case, and providing
31 recommendations regarding any existing gaps in Washington and
32 resources that may be necessary to address those gaps;

33 (b) Researching and making recommendations on opportunities to
34 increase access to, and availability of, critical sexual assault
35 ~~((nurse))~~ forensic examiner services and enhancing statewide
36 coordination of forensic services;

37 (c) Monitoring the testing ~~((of the backlog of sexual assault~~
38 ~~kits and the supply chain and distribution)),~~ supply chain, and
39 distribution of sexual assault and nonfatal strangulation evidence
40 collection kits;

1 (d) Monitoring implementation of state and federal legislative
2 changes;

3 (e) Collaborating with the legislature, state agencies, medical
4 facilities, and local governments to implement reforms (~~(pursuant to~~
5 ~~federal grant requirements)~~); and

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

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

13 (4) Legislative members of the advisory group must be reimbursed
14 for travel expenses in accordance with RCW 44.04.120. Nonlegislative
15 members, except those representing an employer or organization, are
16 entitled to be reimbursed for travel expenses in accordance with RCW
17 43.03.050 and 43.03.060.

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

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

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

23 NEW SECTION. **Sec. 7.** If any provision of this act or its
24 application to any person or circumstance is held invalid, the
25 remainder of the act or the application of the provision to other
26 persons or circumstances is not affected.

--- END ---