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**SUBSTITUTE SENATE BILL 5937**

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**State of Washington****68th Legislature****2024 Regular Session**

**By** Senate Law & Justice (originally sponsored by Senators Dhingra, Braun, Hasegawa, Keiser, Kuderer, Lias, Lovelett, Lovick, Nguyen, Nobles, Stanford, Trudeau, Valdez, Wellman, and C. Wilson)

1 AN ACT Relating to supporting crime victims and witnesses by  
2 promoting victim-centered, trauma-informed responses; amending RCW  
3 7.68.020, 7.68.060, 7.68.066, 7.68.080, 7.68.094, 7.68.170, 7.68.803,  
4 7.69.010, 7.69.030, 9A.44.020, 9A.44.040, and 13.40.210; reenacting  
5 and amending RCW 9A.04.080; adding a new section to chapter 7.68 RCW;  
6 adding new sections to chapter 9A.44 RCW; adding a new section to  
7 chapter 36.27 RCW; adding a new section to chapter 43.70 RCW; adding  
8 a new section to chapter 70.125 RCW; prescribing penalties; and  
9 providing an effective date.

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

11 **Sec. 1.** RCW 7.68.020 and 2020 c 274 s 1 are each amended to read  
12 as follows:

13 The following words and phrases as used in this chapter have the  
14 meanings set forth in this section unless the context otherwise  
15 requires.

16 (1) "Accredited school" means a school or course of instruction  
17 which is:

18 (a) Approved by the state superintendent of public instruction,  
19 the state board of education, or the state board for community and  
20 technical colleges; or

1 (b) Regulated or licensed as to course content by any agency of  
2 the state or under any occupational licensing act of the state, or  
3 recognized by the apprenticeship council under an agreement  
4 registered with the apprenticeship council pursuant to chapter 49.04  
5 RCW.

6 (2) "Average monthly wage" means the average annual wage as  
7 determined under RCW 50.04.355 as now or hereafter amended divided by  
8 twelve.

9 (3) "Beneficiary" means a husband, wife, registered domestic  
10 partner, or child of a victim in whom shall vest a right to receive  
11 payment under this chapter, except that a husband or wife of an  
12 injured victim, living separate and apart in a state of abandonment,  
13 regardless of the party responsible therefor, for more than one year  
14 at the time of the injury or subsequently, shall not be a  
15 beneficiary. A spouse who has lived separate and apart from the other  
16 spouse for the period of two years and who has not, during that time,  
17 received or attempted by process of law to collect funds for  
18 maintenance, shall be deemed living in a state of abandonment.

19 (4) "Child" means every natural born child, posthumous child,  
20 stepchild, child legally adopted prior to the injury, child born  
21 after the injury where conception occurred prior to the injury, and  
22 dependent child in the legal custody and control of the victim, all  
23 while under the age of eighteen years, or under the age of twenty-  
24 three years while permanently enrolled as a full-time student in an  
25 accredited school, and over the age of eighteen years if the child is  
26 a dependent as a result of a disability.

27 (5) "Consumer price index" means the consumer price index  
28 compiled by the bureau of labor statistics, United States department  
29 of labor for the state of Washington. If the bureau of labor  
30 statistics develops more than one consumer price index for areas  
31 within the state, the index covering the greatest number of people,  
32 covering areas exclusively within the boundaries of the state, and  
33 including all items must be used.

34 (6) "Criminal act" means an act committed or attempted in this  
35 state, unless otherwise provided in this chapter, which is: (a)  
36 Punishable as a federal offense that is comparable to a felony or  
37 gross misdemeanor in this state; (b) punishable as a felony or gross  
38 misdemeanor under the laws of this state; (c) an act committed  
39 outside the state of Washington against a resident of the state of  
40 Washington which would be compensable had it occurred inside this

1 state and the crime occurred in a state which does not have a crime  
2 victims' compensation program, for which the victim is eligible as  
3 set forth in the Washington compensation law; or (d) trafficking as  
4 defined in RCW 9A.40.100. A "criminal act" does not include the  
5 following:

6 (i) The operation of a motor vehicle, motorcycle, train, boat, or  
7 aircraft in violation of law unless:

8 (A) The injury or death was intentionally inflicted;

9 (B) The operation thereof was part of the commission of another  
10 nonvehicular criminal act as defined in this section;

11 (C) The death or injury was the result of the operation of a  
12 motor vehicle after July 24, 1983, and one of the following applies:

13 (I) A preponderance of the evidence establishes that the death  
14 was the result of vehicular homicide under RCW 46.61.520;

15 (II) The victim submits a copy of a certificate of probable cause  
16 filed by the prosecutor stating that a vehicular assault under RCW  
17 46.61.522 occurred;

18 (III) Charges have been filed against the defendant for vehicular  
19 assault under RCW 46.61.522;

20 (IV) A conviction of vehicular assault under RCW 46.61.522 has  
21 been obtained; or

22 (V) In cases where a probable criminal defendant has died in  
23 perpetration of vehicular assault or, in cases where the perpetrator  
24 of the vehicular assault is unascertainable because he or she left  
25 the scene of the accident in violation of RCW 46.52.020 or, because  
26 of physical or mental infirmity or disability the perpetrator is  
27 incapable of standing trial for vehicular assault, the department  
28 may, by a preponderance of the evidence, establish that a vehicular  
29 assault had been committed and authorize benefits;

30 (D) The injury or death was caused by a driver in violation of  
31 RCW 46.61.502; or

32 (E) The injury or death was caused by a driver in violation of  
33 RCW 46.61.655(7)(a), failure to secure a load in the first degree;

34 (ii) Neither an acquittal in a criminal prosecution nor the  
35 absence of any such prosecution is admissible in any claim or  
36 proceeding under this chapter as evidence of the noncriminal  
37 character of the acts giving rise to such claim or proceeding, except  
38 as provided for in (d)(i)(C) of this subsection;

39 (iii) Evidence of a criminal conviction arising from acts which  
40 are the basis for a claim or proceeding under this chapter is

1 admissible in such claim or proceeding for the limited purpose of  
2 proving the criminal character of the acts; and

3 (iv) Acts which, but for the insanity or mental irresponsibility  
4 of the perpetrator, would constitute criminal conduct are deemed to  
5 be criminal conduct within the meaning of this chapter.

6 (7) "Department" means the department of labor and industries.

7 (8) "Financial support for lost wages" means a partial  
8 replacement of lost wages due to a temporary or permanent total  
9 disability.

10 (9) "Gainfully employed" means engaging on a regular and  
11 continuous basis in a lawful activity from which a person derives a  
12 livelihood.

13 (10) "Injury" means a sudden and tangible happening, of a  
14 traumatic nature, producing an immediate or prompt result, and  
15 occurring from without, and such physical conditions as result  
16 therefrom.

17 (11) "Invalid" means one who is physically or mentally  
18 incapacitated from earning wages.

19 (12) "Permanent total disability" means loss of both legs, or  
20 arms, or one leg and one arm, total loss of eyesight, paralysis, or  
21 other condition permanently incapacitating the victim from performing  
22 any work at any gainful occupation.

23 (13) "Private insurance" means any source of recompense provided  
24 by contract available as a result of the claimed injury or death at  
25 the time of such injury or death, or which becomes available any time  
26 thereafter.

27 (14) "Public insurance" means any source of recompense provided  
28 by statute, state or federal, available as a result of the claimed  
29 injury or death at the time of such injury or death, or which becomes  
30 available any time thereafter.

31 (15) "Temporary total disability" means any condition that  
32 temporarily incapacitates a victim from performing any type of  
33 gainful employment as certified by the victim's attending physician.

34 (16) "Victim" means a person who suffers bodily injury or death  
35 as a proximate result of a criminal act of another person, the  
36 victim's own good faith and reasonable effort to prevent a criminal  
37 act, or his or her good faith effort to apprehend a person reasonably  
38 suspected of engaging in a criminal act. For the purposes of  
39 receiving benefits pursuant to this chapter, "victim" is

1 interchangeable with "employee" or "worker" as defined in chapter  
2 51.08 RCW as now or hereafter amended.

3 **Sec. 2.** RCW 7.68.060 and 2020 c 308 s 1 are each amended to read  
4 as follows:

5 (1) Except for applications received pursuant to subsection (6)  
6 of this section, no compensation of any kind shall be available under  
7 this chapter if:

8 (a) An application for benefits is not received by the department  
9 within three years after the date the criminal act was reported to a  
10 local police department or sheriff's office or the date the rights of  
11 beneficiaries accrued, unless the director has determined that "good  
12 cause" exists to expand the time permitted to receive the  
13 application. "Good cause" shall be determined by the department on a  
14 case-by-case basis and may extend the period of time in which an  
15 application can be received for up to five years after the date the  
16 criminal act was reported to a local police department or sheriff's  
17 office or the date the rights of beneficiaries accrued; or

18 (b) The criminal act is not reported by the victim or someone on  
19 his or her behalf to a local police department or sheriff's office  
20 within twelve months of its occurrence or, if it could not reasonably  
21 have been reported within that period, within twelve months of the  
22 time when a report could reasonably have been made. In making  
23 determinations as to reasonable time limits, the department shall  
24 give greatest weight to the needs of the victims.

25 (2) No person or spouse, child, or dependent of such person is  
26 eligible for benefits under this chapter when the injury for which  
27 benefits are sought was:

28 (a) The result of consent, provocation, or incitement by the  
29 victim, unless an injury resulting from a criminal act caused the  
30 death of the victim;

31 (b) Sustained while the crime victim was engaged in the attempt  
32 to commit, or the commission of, a felony; or

33 (c) Sustained while the victim was confined in any county or city  
34 jail, federal jail or prison or in any other federal institution, or  
35 any state correctional institution maintained and operated by the  
36 department of social and health services or the department of  
37 corrections, prior to release from lawful custody; or confined or  
38 living in any other institution maintained and operated by the

1 department of social and health services or the department of  
2 corrections.

3 (3) ~~((N))~~ (a) Except as provided in (b) of this subsection, no  
4 person or spouse, child, or dependent of such person is eligible for  
5 benefits under this chapter where the person making a claim for such  
6 benefits has refused to give reasonable cooperation to state or local  
7 law enforcement agencies in their efforts to apprehend and convict  
8 the perpetrator of the criminal act which gave rise to the claim.

9 (b) Victims of sexual assault, sex trafficking, or domestic  
10 violence are eligible to receive benefits under this chapter  
11 regardless of whether the person making a claim for such benefits has  
12 refused to give reasonable cooperation to state or local law  
13 enforcement agencies in their efforts to apprehend and convict the  
14 perpetrator of the criminal act which gave rise to the claim as long  
15 as the director determines such cooperation may be impacted due to a  
16 victim's age, physical condition, psychological state, cultural or  
17 linguistic barriers, or any other health or safety concern that  
18 jeopardizes the victim's well-being.

19 (4) A victim is not eligible for benefits under this chapter if  
20 the victim:

21 (a) Has been convicted of a felony offense within five years  
22 preceding the criminal act for which the victim is applying where the  
23 felony offense is a violent offense under RCW 9.94A.030 or a crime  
24 against persons under RCW 9.94A.411, or is convicted of such a felony  
25 offense after the criminal act for which the victim is applying; and

26 (b) Has not completely satisfied all legal financial obligations  
27 owed.

28 (5) Because victims of childhood criminal acts may repress  
29 conscious memory of such criminal acts far beyond the age of  
30 eighteen, the rights of adult victims of childhood criminal acts  
31 shall accrue at the time the victim discovers or reasonably should  
32 have discovered the elements of the crime. In making determinations  
33 as to reasonable time limits, the department shall give greatest  
34 weight to the needs of the victim.

35 (6) (a) Benefits under this chapter are available to any victim of  
36 a person against whom the state initiates proceedings under chapter  
37 71.09 RCW. The right created under this subsection shall accrue when  
38 the victim is notified of proceedings under chapter 71.09 RCW or the  
39 victim is interviewed, deposed, or testifies as a witness in  
40 connection with the proceedings. An application for benefits under

1 this subsection must be received by the department within two years  
2 after the date the victim's right accrued unless the director  
3 determines that good cause exists to expand the time to receive the  
4 application. The director shall determine "good cause" on a case-by-  
5 case basis and may extend the period of time in which an application  
6 can be received for up to five years after the date the right of the  
7 victim accrued. Benefits under this subsection shall be limited to  
8 compensation for costs or losses incurred on or after the date the  
9 victim's right accrues for a claim allowed under this subsection.

10 (b) A person identified as the "minor" in the charge of  
11 commercial sexual abuse of a minor under RCW 9.68A.100, promoting  
12 commercial sexual abuse of a minor under RCW 9.68A.101, or promoting  
13 travel for commercial sexual abuse of a minor under RCW 9.68A.102 is  
14 considered a victim of a criminal act for the purpose of the right to  
15 benefits under this chapter even if the person is also charged with  
16 prostitution under RCW 9A.88.030.

17 **Sec. 3.** RCW 7.68.066 and 2011 c 346 s 205 are each amended to  
18 read as follows:

19 (1) The department may require that the victim present himself or  
20 herself for a special medical examination by a physician or  
21 physicians selected by the department, and the department may require  
22 that the victim present himself or herself for a personal interview.  
23 The costs of the examination or interview, including payment of any  
24 reasonable round-trip travel expenses, shall be paid by the  
25 department as part of the victim's total claim under RCW 7.68.070(1).

26 (2) The director may establish a medical bureau within the  
27 department to perform medical examinations under this section.

28 (3) Where a dispute arises from the handling of any claim before  
29 the condition of the injured victim becomes fixed, the victim may  
30 request the department to resolve the dispute or the director may  
31 initiate an inquiry on his or her own motion. In these cases, the  
32 department shall proceed as provided in this section and an order  
33 shall issue in accordance with RCW 51.52.050.

34 **Sec. 4.** RCW 7.68.080 and 2023 c 152 s 1 are each amended to read  
35 as follows:

36 (1) When the injury to any victim is so serious as to require the  
37 (~~victim's~~) victim being taken from the place of injury to a place  
38 of treatment, reasonable transportation costs to and from the nearest

1 place of proper treatment to a reasonable location of the victim's  
2 choice shall be reimbursed by the department as part of the victim's  
3 total claim under RCW 7.68.070(1).

4 (2) In the case of alleged rape or molestation of a child, the  
5 reasonable costs of a colposcopy examination shall be reimbursed by  
6 the department. Costs for a colposcopy examination given under this  
7 subsection shall not be included as part of the victim's total claim  
8 under RCW 7.68.070(1).

9 (3) The director shall adopt rules for fees and charges for  
10 hospital, clinic, medical, and other health care services, including  
11 fees and costs for durable medical equipment, eyeglasses, hearing  
12 aids, and other medically necessary devices for crime victims under  
13 this chapter. The director shall set these service levels and fees at  
14 a level no lower than those established for comparable services under  
15 the workers' compensation program under Title 51 RCW, except the  
16 director shall comply with the requirements of RCW 7.68.030(2)(g) (i)  
17 through (iii) when setting service levels and fees, including  
18 reducing levels and fees when required. In establishing fees for  
19 medical and other health care services, the director shall consider  
20 the director's duty to purchase health care in a prudent, cost-  
21 effective manner. The director shall establish rules adopted in  
22 accordance with chapter 34.05 RCW. Nothing in this chapter may be  
23 construed to require the payment of interest on any billing, fee, or  
24 charge.

25 (4) Whenever the director deems it necessary in order to resolve  
26 any medical issue, a victim shall submit to examination by a  
27 physician or physicians selected by the director, with the rendition  
28 of a report to the person ordering the examination. The department  
29 shall provide the physician performing an examination with all  
30 relevant medical records from the victim's claim file. The director,  
31 in his or her discretion, may charge the cost of such examination or  
32 examinations to the crime victims' compensation fund. If the  
33 examination is paid for by the victim, then the cost of said  
34 examination shall be reimbursed to the victim for reasonable costs  
35 connected with the examination as part of the victim's total claim  
36 under RCW 7.68.070(1).

37 (5) Victims of sexual assault are eligible to receive appropriate  
38 counseling. Fees for such counseling shall be determined by the  
39 department. Counseling services may include, if determined



1 appropriate by the department, counseling of members of the victim's  
2 immediate family, other than the perpetrator of the assault.

3 (6) (a) Immediate family members of a homicide victim may receive  
4 appropriate counseling to assist in dealing with the immediate,  
5 near-term consequences of the related effects of the homicide. Except  
6 as provided in (b) of this subsection, up to 12 counseling sessions  
7 may be received after the crime victim's claim has been allowed. Fees  
8 for counseling shall be determined by the department in accordance  
9 with and subject to this section. Payment of counseling benefits  
10 under this section may not be provided to the perpetrator of the  
11 homicide. The benefits under this subsection may be provided only  
12 with respect to homicides committed on or after July 1, 1992.

13 (b) The immediate family members of a homicide victim may receive  
14 more than 12 counseling sessions under this subsection (6) if a  
15 licensed mental health provider determines that:

16 (i) Additional sessions are needed as a direct result of the  
17 near-term consequences of the related effects of the homicide; and

18 (ii) The recipient of the counseling would benefit from  
19 additional sessions.

20 (7) Pursuant to RCW 7.68.070(13), a victim of a sex offense that  
21 occurred outside of Washington may be eligible to receive mental  
22 health counseling related to participation in proceedings to civilly  
23 commit a perpetrator.

24 (8) The crime victims' compensation program shall consider  
25 payment of benefits solely for the effects of the criminal act.

26 (9) The legislature finds and declares it to be in the public  
27 interest of the state of Washington that a proper regulatory and  
28 inspection program be instituted in connection with the provision of  
29 any services provided to crime victims pursuant to this chapter. In  
30 order to effectively accomplish such purpose and to assure that the  
31 victim receives such services as are paid for by the state of  
32 Washington, the acceptance by the victim of such services, and the  
33 request by a provider of services for reimbursement for providing  
34 such services, shall authorize the director of the department or the  
35 director's authorized representative to inspect and audit all records  
36 in connection with the provision of such services. In the conduct of  
37 such audits or investigations, the director or the director's  
38 authorized representatives may:

39 (a) Examine all records, or portions thereof, including patient  
40 records, for which services were rendered by a health care provider

1 and reimbursed by the department, notwithstanding the provisions of  
2 any other statute which may make or purport to make such records  
3 privileged or confidential, except that no original patient records  
4 shall be removed from the premises of the health care provider, and  
5 that the disclosure of any records or information obtained under  
6 authority of this section by the department is prohibited and  
7 constitutes a violation of RCW 42.52.050, unless such disclosure is  
8 directly connected to the official duties of the department. The  
9 disclosure of patient information as required under this section  
10 shall not subject any physician, licensed advanced registered nurse  
11 practitioner, or other health care provider to any liability for  
12 breach of any confidential relationships between the provider and the  
13 patient. The director or the director's authorized representative  
14 shall destroy all copies of patient medical records in their  
15 possession upon completion of the audit, investigation, or  
16 proceedings;

17 (b) Approve or deny applications to participate as a provider of  
18 services furnished to crime victims pursuant to this title;

19 (c) Terminate or suspend eligibility to participate as a provider  
20 of services furnished to victims pursuant to this title; and

21 (d) Pursue collection of unpaid overpayments and/or penalties  
22 plus interest accrued from health care providers pursuant to RCW  
23 51.32.240(6).

24 (10) When contracting for health care services and equipment, the  
25 department, upon request of a contractor, shall keep confidential  
26 financial and valuable trade information, which shall be exempt from  
27 public inspection and copying under chapter 42.56 RCW.

28 **Sec. 5.** RCW 7.68.094 and 2011 c 346 s 506 are each amended to  
29 read as follows:

30 (1) Any victim eligible to receive any benefits or claiming such  
31 under this title shall, if requested by the department submit himself  
32 or herself for medical examination, at a time and from time to time,  
33 at a place reasonably convenient for the victim as may be provided by  
34 the rules of the department. An injured victim, whether an alien or  
35 other injured victim, who is not residing in the United States at the  
36 time that a medical examination is requested may be required to  
37 submit to an examination at any location in the United States  
38 determined by the department.

1 (2) If the victim refuses to submit to medical examination, or  
2 obstructs the same, or, if any injured victim shall persist in  
3 unsanitary or injurious practices which tend to imperil or retard his  
4 or her recovery, or shall refuse to submit to such medical or  
5 surgical treatment as is reasonably essential to his or her recovery  
6 does not cooperate in reasonable efforts at such rehabilitation, the  
7 department may suspend any further action on any claim of such victim  
8 so long as such refusal, obstruction, noncooperation, or practice  
9 continues and thus, the department may reduce, suspend, or deny any  
10 compensation for such period. The department may not suspend any  
11 further action on any claim of a victim or reduce, suspend, or deny  
12 any compensation if a victim has good cause for refusing to submit to  
13 or to obstruct any examination, evaluation, treatment, or practice  
14 requested by the department or required under this section.

15 (3) If the victim necessarily incurs traveling expenses in  
16 attending the examination pursuant to the request of the department,  
17 such reasonable round-trip traveling expenses shall be repaid to him  
18 or her upon proper voucher and audit.

19 (4) If the medical examination required by this section causes  
20 the victim to be absent from his or her work without pay, the victim  
21 shall be paid compensation in an amount equal to his or her usual  
22 wages for the time lost from work while attending the medical  
23 examination when the victim is insured by the department.

24 **Sec. 6.** RCW 7.68.170 and 1979 ex.s. c 219 s 11 are each amended  
25 to read as follows:

26 No costs incurred by a hospital or other emergency medical  
27 facility in Washington for the examination of the victim of a sexual  
28 assault, whether such assault occurred in or outside the state of  
29 Washington, when such examination is performed for the purposes of  
30 gathering evidence for possible prosecution, shall be billed or  
31 charged directly or indirectly to the victim of such assault. Such  
32 costs shall be paid by the state pursuant to this chapter.

33 **Sec. 7.** RCW 7.68.803 and 2023 c 108 s 1 are each amended to read  
34 as follows:

35 (1) No costs incurred by a hospital or other emergency medical  
36 facility in Washington for the examination of the victim of domestic  
37 violence assault involving nonfatal strangulation, whether such  
38 assault occurred in or outside the state of Washington, when such

1 examination is performed for the purposes of gathering evidence for  
2 possible prosecution, shall be billed or charged directly or  
3 indirectly to the victim of such assault. Such costs shall be paid by  
4 the state pursuant to this chapter.

5 (2) The department must notify the office of financial management  
6 and the fiscal committees of the legislature if it projects that the  
7 cost of services provided under this section exceeds the amount of  
8 funding provided by the legislature solely for the purposes of this  
9 section.

10 NEW SECTION. **Sec. 8.** A new section is added to chapter 7.68 RCW  
11 to read as follows:

12 (1) As used in this section, "other state" and "another state"  
13 includes the several states, territories, and possessions of the  
14 United States, and the District of Columbia.

15 (2) (a) The director shall attempt to enter into an agreement with  
16 any other state for reimbursement to the crime victims' compensation  
17 fund if a nonresident of the state of Washington who is a victim of a  
18 sexual assault or domestic violence assault involving nonfatal  
19 strangulation that occurred in another state receives an examination  
20 in this state pursuant to RCW 7.68.170 or 7.68.803.

21 (b) Following the completion of an agreement, the department  
22 shall promptly make a report to the other state showing any costs  
23 incurred by a hospital or other emergency medical facility paid by  
24 this state pursuant to (a) of this subsection. The department shall  
25 ensure that no information related to the provision, receipt,  
26 attempted provision or receipt, assistance in the provision or  
27 receipt, or attempted assistance in the provision or receipt of  
28 protected health care services as defined in RCW 7.115.010 is  
29 provided to any state whose law is against the public policy of the  
30 state of Washington as provided in RCW 7.115.020.

31 (3) The director is hereby authorized to receive reimbursements  
32 to the crime victims' compensation fund from another state pursuant  
33 to this section.

34 **Sec. 9.** RCW 7.69.010 and 1985 c 443 s 1 are each amended to read  
35 as follows:

36 In recognition of the severe and detrimental impact of crime on  
37 victims, survivors of victims, and witnesses of crime and the civic  
38 and moral duty of victims, survivors of victims, and witnesses of

1 crimes to fully and voluntarily cooperate with law enforcement and  
2 prosecutorial agencies, and in further recognition of the continuing  
3 importance of such citizen cooperation to state and local law  
4 enforcement efforts and the general effectiveness and well-being of  
5 the criminal justice system of this state, the legislature declares  
6 its intent, in this chapter, to grant to the victims of crime and the  
7 survivors of such victims a significant role, including enhanced  
8 accessibility, in the criminal justice system. The legislature  
9 further intends to ensure that all victims and witnesses of crime are  
10 treated with dignity, respect, courtesy, and sensitivity; ensure that  
11 all victims and witnesses are afforded access to justice to  
12 participate in criminal justice proceedings, including the  
13 opportunity to participate and attend court hearings in person or  
14 remotely, including by video or other electronic means as available  
15 in the local jurisdiction; and that the rights extended in this  
16 chapter to victims, survivors of victims, and witnesses of crime are  
17 honored (~~and~~), protected, and upheld by law enforcement agencies,  
18 prosecutors, and judges in a manner no less vigorous than the  
19 protections afforded criminal defendants.

20 **Sec. 10.** RCW 7.69.030 and 2023 c 197 s 11 are each amended to  
21 read as follows:

22 (1) There shall be a reasonable effort made to ensure that  
23 victims, survivors of victims, and witnesses of crimes have the  
24 following rights, which apply to any adult or juvenile criminal  
25 proceeding and any civil commitment proceeding under chapter 10.77 or  
26 71.09 RCW:

27 (a) With respect to victims of violent or sex crimes, to receive,  
28 at the time of reporting the crime to law enforcement officials, a  
29 written statement of the rights of crime victims as provided in this  
30 chapter. The written statement shall include the name, address, and  
31 telephone number of a county or local crime victim/witness program,  
32 if such a crime victim/witness program exists in the county;

33 (b) To be informed, by local law enforcement agencies or the  
34 prosecuting attorney, that charges have been filed, the defendant has  
35 been found not competent to stand trial and referred for restoration  
36 services, and of the final disposition of the case, in which the  
37 victim, survivor, or witness is involved;

1 (c) To be notified by the party who issued the subpoena that a  
2 court proceeding to which they have been subpoenaed will not occur as  
3 scheduled, in order to save the person an unnecessary trip to court;

4 (d) To receive protection from harm and threats of harm arising  
5 out of cooperation with law enforcement and prosecution efforts, and  
6 to be provided with information as to the level of protection  
7 available;

8 (e) To be informed of the procedure to be followed to apply for  
9 and receive any witness fees to which they are entitled;

10 (f) To be provided, whenever practical, a secure waiting area  
11 during court proceedings that does not require them to be in close  
12 proximity to defendants and families or friends of defendants;

13 (g) To have any stolen or other personal property expeditiously  
14 returned by law enforcement agencies or the superior court when no  
15 longer needed as evidence. When feasible, all such property, except  
16 weapons, currency, contraband, property subject to evidentiary  
17 analysis, and property of which ownership is disputed, shall be  
18 photographed and returned to the owner within ten days of being  
19 taken;

20 (h) To be provided with appropriate employer intercession  
21 services to ensure that employers of victims, survivors of victims,  
22 and witnesses of crime will cooperate with the criminal justice  
23 process or the civil commitment process under chapter 10.77 or 71.09  
24 RCW in order to minimize an employee's loss of pay and other benefits  
25 resulting from court appearance;

26 (i) To have access to immediate medical assistance and not to be  
27 detained for an unreasonable length of time by a law enforcement  
28 agency before having such assistance administered. However, an  
29 employee of the law enforcement agency may, if necessary, accompany  
30 the person to a medical facility to question the person about the  
31 criminal incident if the questioning does not hinder the  
32 administration of medical assistance. Victims of domestic violence,  
33 sexual assault, or stalking, as defined in RCW 49.76.020, shall be  
34 notified of their right to reasonable leave from employment under  
35 chapter 49.76 RCW;

36 (j) With respect to victims of violent and sex crimes, to have a  
37 crime victim advocate from a crime victim/witness program, or any  
38 other support person of the victim's choosing, present at any  
39 prosecutorial or defense interviews with the victim, and at any  
40 judicial proceedings related to criminal acts committed against the

1 victim. This subsection applies if practical and if the presence of  
2 the crime victim advocate or support person does not cause any  
3 unnecessary delay in the investigation or prosecution of the case.  
4 The role of the crime victim advocate is to provide emotional support  
5 to the crime victim;

6 (k) With respect to victims and survivors of victims, may attend  
7 court proceedings or required interviews in person or remotely,  
8 including by video or other electronic means, as available in the  
9 local jurisdiction, to ensure access to justice to participate in  
10 criminal justice proceedings. Remote access is not to circumvent a  
11 victim's or survivor of a victim's right to be physically present in  
12 court during trial, or if subpoenaed to testify, to be scheduled as  
13 early as practical in the proceedings in order to be physically  
14 present during trial after testifying and not to be excluded solely  
15 because they have testified;

16 (l) With respect to victims and survivors of victims in any  
17 felony case, any case involving domestic violence, or any final  
18 determination under chapter 10.77 or 71.09 RCW, to be informed by the  
19 prosecuting attorney of the date, time, and place of the trial and of  
20 the sentencing hearing or disposition hearing upon request by a  
21 victim or survivor;

22 (m) To submit a victim impact statement or report to the court,  
23 with the assistance of the prosecuting attorney if requested, which  
24 shall be included in all presentence reports and permanently included  
25 in the files and records accompanying the offender committed to the  
26 custody of a state agency or institution;

27 (n) With respect to victims and survivors of victims in any  
28 felony case or any case involving domestic violence, to present a  
29 statement, personally or by representation, at the sentencing  
30 hearing; and

31 (o) With respect to victims and survivors of victims, to entry of  
32 an order of restitution by the court in all felony cases, even when  
33 the offender is sentenced to confinement, unless extraordinary  
34 circumstances exist which make restitution inappropriate in the  
35 court's judgment.

36 (2) If a victim, survivor of a victim, or witness of a crime is  
37 denied a right under this section, the person may seek an order  
38 directing compliance by the relevant party or parties by filing a  
39 petition in the superior court in the county in which the crime  
40 occurred and providing notice of the petition to the relevant party

1 or parties. Compliance with the right is the sole available remedy.  
2 The court shall expedite consideration of a petition filed under this  
3 subsection.

4 **Sec. 11.** RCW 9A.04.080 and 2023 c 197 s 8 and 2023 c 122 s 8 are  
5 each reenacted and amended to read as follows:

6 (1) Prosecutions for criminal offenses shall not be commenced  
7 after the periods prescribed in this section.

8 (a) The following offenses may be prosecuted at any time after  
9 their commission:

10 (i) Murder;

11 (ii) Homicide by abuse;

12 (iii) Arson if a death results;

13 (iv) Vehicular homicide;

14 (v) Vehicular assault if a death results;

15 (vi) Hit-and-run injury-accident if a death results (RCW  
16 46.52.020(4));

17 (vii) Rape in the first degree (RCW 9A.44.040) if the victim is  
18 under the age of sixteen;

19 (viii) Rape in the second degree (RCW 9A.44.050) if the victim is  
20 under the age of sixteen;

21 (ix) Rape of a child in the first degree (RCW 9A.44.073);

22 (x) Rape of a child in the second degree (RCW 9A.44.076);

23 (xi) Rape of a child in the third degree (RCW 9A.44.079);

24 (xii) Sexual misconduct with a minor in the first degree (RCW  
25 9A.44.093);

26 (xiii) Custodial sexual misconduct in the first degree (RCW  
27 9A.44.160);

28 (xiv) Child molestation in the first degree (RCW 9A.44.083);

29 (xv) Child molestation in the second degree (RCW 9A.44.086);

30 (xvi) Child molestation in the third degree (RCW 9A.44.089);

31 ((and))

32 (xvii) Sexual exploitation of a minor (RCW 9.68A.040);

33 (xviii) Rape in the first degree (RCW 9A.44.040) if the  
34 perpetrator is a first responder as defined in RCW 70.54.430 and if  
35 the first responder used the first responder's position to facilitate  
36 the commission of the offense;

37 (xix) Rape in the second degree (RCW 9A.44.050) if the  
38 perpetrator is a first responder as defined in RCW 70.54.430 and if



1 the first responder used the first responder's position to facilitate  
2 the commission of the offense; and

3 (xx) Rape in the third degree (RCW 9A.44.060) if the perpetrator  
4 is a first responder as defined in RCW 70.54.430 and if the first  
5 responder used the first responder's position to facilitate the  
6 commission of the offense.

7 (b) Except as provided in (a) of this subsection, the following  
8 offenses may not be prosecuted more than twenty years after its  
9 commission:

- 10 (i) Rape in the first degree (RCW 9A.44.040);  
11 (ii) Rape in the second degree (RCW 9A.44.050); or  
12 (iii) Indecent liberties (RCW 9A.44.100).

13 (c) The following offenses may not be prosecuted more than ten  
14 years after its commission:

15 (i) Any felony committed by a public officer if the commission is  
16 in connection with the duties of his or her office or constitutes a  
17 breach of his or her public duty or a violation of the oath of  
18 office;

- 19 (ii) Arson if no death results;  
20 (iii) Rape in the third degree (RCW 9A.44.060);  
21 (iv) Attempted murder; or  
22 (v) Trafficking under RCW 9A.40.100.

23 (d) A violation of any offense listed in this subsection (1)(d)  
24 may be prosecuted up to ten years after its commission or, if  
25 committed against a victim under the age of eighteen, up to the  
26 victim's thirtieth birthday, whichever is later:

- 27 (i) RCW 9.68A.100 (commercial sexual abuse of a minor);  
28 (ii) RCW 9.68A.101 (promoting commercial sexual abuse of a  
29 minor);  
30 (iii) RCW 9.68A.102 (promoting travel for commercial sexual abuse  
31 of a minor); or  
32 (iv) RCW 9A.64.020 (incest).

33 (e) A violation of RCW 9A.36.170 may be prosecuted up to 10 years  
34 after its commission, or if committed against a victim under the age  
35 of 18, up to the victim's 28th birthday, whichever is later.

36 (f) The following offenses may not be prosecuted more than six  
37 years after its commission or discovery, whichever occurs later:

- 38 (i) Violations of RCW 9A.82.060 or 9A.82.080;  
39 (ii) Any felony violation of chapter 9A.83 RCW;  
40 (iii) Any felony violation of chapter 9.35 RCW;

1 (iv) Theft in the first or second degree under chapter 9A.56 RCW  
2 when accomplished by color or aid of deception;

3 (v) Theft from a vulnerable adult under RCW 9A.56.400;

4 (vi) Trafficking in stolen property in the first or second degree  
5 under chapter 9A.82 RCW in which the stolen property is a motor  
6 vehicle or major component part of a motor vehicle as defined in RCW  
7 46.80.010; or

8 (vii) Violations of RCW 82.32.290 (2)(a)(iii) or (4).

9 (g) The following offenses may not be prosecuted more than five  
10 years after its commission: Any class C felony under chapter 74.09,  
11 82.36, or 82.38 RCW.

12 (h) Bigamy may not be prosecuted more than three years after the  
13 time specified in RCW 9A.64.010.

14 (i) A violation of RCW 9A.56.030 may not be prosecuted more than  
15 three years after the discovery of the offense when the victim is a  
16 tax exempt corporation under 26 U.S.C. Sec. 501(c)(3).

17 (j) No other felony may be prosecuted more than three years after  
18 its commission; except that in a prosecution under RCW 9A.44.115, if  
19 the person who was viewed, photographed, or filmed did not realize at  
20 the time that he or she was being viewed, photographed, or filmed,  
21 the prosecution must be commenced within two years of the time the  
22 person who was viewed or in the photograph or film first learns that  
23 he or she was viewed, photographed, or filmed.

24 (k) No gross misdemeanor, except as provided under (e) of this  
25 subsection, may be prosecuted more than two years after its  
26 commission.

27 (1) No misdemeanor may be prosecuted more than one year after its  
28 commission.

29 (2) The periods of limitation prescribed in subsection (1) of  
30 this section do not run during any time when the person charged is  
31 not usually and publicly resident within this state.

32 (3) In any prosecution for a sex offense as defined in RCW  
33 9.94A.030, the periods of limitation prescribed in subsection (1) of  
34 this section run from the date of commission or four years from the  
35 date on which the identity of the suspect is conclusively established  
36 by deoxyribonucleic acid testing or by photograph as defined in RCW  
37 9.68A.011, whichever is later.

38 (4) If, before the end of a period of limitation prescribed in  
39 subsection (1) of this section, an indictment has been found or a  
40 complaint or an information has been filed, and the indictment,

1 complaint, or information is set aside, then the period of limitation  
2 is extended by a period equal to the length of time from the finding  
3 or filing to the setting aside.

4 **Sec. 12.** RCW 9A.44.020 and 2023 c 197 s 10 are each amended to  
5 read as follows:

6 (1) In order to convict a person of any crime defined in this  
7 chapter it shall not be necessary that the testimony of the alleged  
8 victim be corroborated.

9 (2) Evidence of the victim's past sexual behavior including but  
10 not limited to the victim's marital history; divorce history; general  
11 reputation for promiscuity, nonchastity, or sexual mores contrary to  
12 community standards; or, unless it is related to the alleged offense,  
13 social media account, including any text, image, video, or picture,  
14 which depict sexual content, sexual history, nudity or partial  
15 nudity, intimate sexual activity, communications about sexual  
16 activity, communications about sex, sexual fantasies, and other  
17 information that appeals to a prurient interest is inadmissible on  
18 the issue of credibility and is inadmissible to prove the victim's  
19 consent except as provided in subsection (3) of this section, but  
20 when the perpetrator and the victim have engaged in sexual  
21 intercourse with each other in the past, and when the past behavior  
22 is material to the issue of consent, evidence concerning the past  
23 behavior between the perpetrator and the victim may be admissible on  
24 the issue of consent to the offense.

25 (3) In any prosecution for the crime of rape, trafficking  
26 pursuant to RCW 9A.40.100, or any of the offenses in chapter 9.68A  
27 RCW, or for an attempt to commit, or an assault with an intent to  
28 commit any such crime evidence of the victim's past sexual behavior  
29 including but not limited to the victim's marital behavior; divorce  
30 history; general reputation for promiscuity, nonchastity, or sexual  
31 mores contrary to community standards; or, unless it is related to  
32 the alleged offense, social media account, including any text, image,  
33 video, or picture, which depict sexual content, sexual history,  
34 nudity or partial nudity, intimate sexual activity, communications  
35 about sexual activity, communications about sex, sexual fantasies,  
36 and other information that appeals to a prurient interest is not  
37 admissible if offered to attack the credibility of the victim and is  
38 admissible on the issue of consent, except where prohibited in the

1 underlying criminal offense, only pursuant to the following  
2 procedure:

3 (a) A written pretrial motion shall be made in advance of the  
4 trial date by the defendant to the court and prosecutor stating that  
5 the defense has an offer of proof of the relevancy of evidence of the  
6 past sexual behavior of the victim proposed to be presented and its  
7 relevancy on the issue of the consent of the victim.

8 (b) The written motion shall be accompanied by an affidavit or  
9 affidavits in which the offer of proof shall be stated.

10 (c) If the court finds that the offer of proof is sufficient, the  
11 court shall order a hearing out of the presence of the jury before  
12 the jury is empaneled, if any, and the hearing shall be closed except  
13 to the necessary witnesses, the defendant, counsel, and those who  
14 have a direct interest in the case or in the work of the court.

15 (d) At the conclusion of the hearing, if the court finds that the  
16 evidence proposed to be offered by the defendant regarding the past  
17 sexual behavior of the victim is relevant to the issue of the  
18 victim's consent; is not inadmissible because its probative value is  
19 substantially outweighed by the probability that its admission will  
20 create a substantial danger of undue prejudice; and that its  
21 exclusion would result in denial of substantial justice to the  
22 defendant; the court shall make an order stating what evidence may be  
23 introduced by the defendant, which order may include the nature of  
24 the questions to be permitted. The defendant may then offer evidence  
25 pursuant to the order of the court.

26 (e) The victim, the victim's attorney, a lawful representative of  
27 the victim, or the prosecutor, may assert and seek enforcement of the  
28 procedures under this section.

29 (4) Nothing in this section shall be construed to prohibit cross-  
30 examination of the victim on the issue of past sexual behavior when  
31 the prosecution presents evidence in its case in chief tending to  
32 prove the nature of the victim's past sexual behavior, but the court  
33 may require a hearing pursuant to subsection (3) of this section  
34 concerning such evidence.

35 **Sec. 13.** RCW 9A.44.040 and 1998 c 242 s 1 are each amended to  
36 read as follows:

37 (1) A person is guilty of rape in the first degree when such  
38 person engages in sexual intercourse with another person ~~((by))~~;

39 (a) By forcible compulsion where the perpetrator or an accessory:

1       ~~((a))~~ (i) Uses or threatens to use a deadly weapon or what  
2 appears to be a deadly weapon; or

3       ~~((b))~~ (ii) Kidnaps the victim; or

4       ~~((c))~~ (iii) Inflicts serious physical injury, including but not  
5 limited to physical injury which renders the victim unconscious; or

6       ~~((d))~~ (iv) Feloniously enters into the building or vehicle  
7 where the victim is situated, or where the sexual intercourse occurs;  
8 or

9       (b) When the victim is incapable of consent by reason of being  
10 physically helpless or mentally incapacitated as a result of the  
11 perpetrator or an accessory:

12       (i) Willfully placing any substance in any food, drink, medicine,  
13 other edible substance, or vapor product intended or prepared for the  
14 use of a human being; or

15       (ii) Knowingly furnishing any food, drink, medicine, other edible  
16 substance, or vapor product containing a substance to the victim,  
17 with intent to make physically helpless or mentally incapacitate  
18 another person.

19       (2) Rape in the first degree is a class A felony.

20       (3) For purposes of this section, "vapor product" has the same  
21 meaning as provided in RCW 70.345.010.

22       NEW SECTION. Sec. 14. A new section is added to chapter 9A.44  
23 RCW to read as follows:

24       (1) In a criminal proceeding, a depiction of a victim's genitals  
25 that was created during a sexual assault medical forensic  
26 examination, regardless of its format:

27       (a) Shall not be shown in open judicial proceedings; and

28       (b) Must be filed as a confidential document within the court  
29 file.

30       (2) An expert witness in a criminal proceeding may inspect, view,  
31 examine, and provide testimony on a depiction of a victim's genitals  
32 that was created during a sexual assault medical forensic  
33 examination.

34       (3) All depictions of a victim that was created during a sexual  
35 assault medical forensic examination must be filed as a confidential  
36 document within the court file.

37       NEW SECTION. Sec. 15. A new section is added to chapter 9A.44  
38 RCW to read as follows:

1 (1) Whenever a depiction of a victim or a victim's genitals that  
2 was created during a sexual assault medical forensic examination,  
3 regardless of its format, is marked as an exhibit in a criminal  
4 proceeding, the prosecutor shall seek an order sealing the exhibit at  
5 the close of the trial. Any exhibits sealed under this section shall  
6 be sealed with evidence tape in a manner that prevents access to, or  
7 viewing of, the depiction of a victim or a victim's genitals that was  
8 created during a sexual assault medical forensic examination and  
9 shall be labeled so as to identify its contents. Anyone seeking to  
10 view such an exhibit must obtain permission from the superior court  
11 after providing at least 10 days' notice to the prosecuting attorney.  
12 Appellate attorneys for the defendant and the state shall be given  
13 access to the exhibit, which must remain in the care and custody of  
14 either a law enforcement agency or the court. Any other person moving  
15 to view such an exhibit must demonstrate to the court that the  
16 person's reason for viewing the exhibit is of sufficient importance  
17 to justify another violation of the victim's privacy.

18 (2) Whenever the clerk of the court receives an exhibit of a  
19 depiction of a victim or a victim's genitals that was created during  
20 a sexual assault medical forensic examination, the clerk shall store  
21 the exhibit in a secure location, such as a safe. The clerk may  
22 arrange for the transfer of such exhibits to a law enforcement agency  
23 evidence room for safekeeping provided the agency agrees not to  
24 destroy or dispose of the exhibits without an order of the court.

25 (3) If the criminal proceeding ends in a conviction, the clerk of  
26 the court shall destroy any exhibit containing a depiction of a  
27 victim or a victim's genitals that was created during a sexual  
28 assault medical forensic examination five years after the judgment is  
29 final, as determined by the provisions of RCW 10.73.090(3). Before  
30 any destruction, the clerk shall contact the prosecuting attorney and  
31 verify that there is no collateral attack on the judgment pending in  
32 any court. If the criminal proceeding ends in a mistrial, the clerk  
33 shall either maintain the exhibit or return it to the law enforcement  
34 agency that investigated the criminal charges for safekeeping until  
35 the matter is set for retrial. If the criminal proceeding ends in an  
36 acquittal, the clerk shall return the exhibit to the law enforcement  
37 agency that investigated the criminal charges for either safekeeping  
38 or destruction.

1       **Sec. 16.** RCW 13.40.210 and 2023 c 150 s 9 are each amended to  
2 read as follows:

3       (1) The secretary shall set a release date for each juvenile  
4 committed to its custody. The release date shall be within the  
5 prescribed range to which a juvenile has been committed under RCW  
6 13.40.0357 or 13.40.030 except as provided in RCW 13.40.320  
7 concerning offenders the department determines are eligible for the  
8 juvenile offender basic training camp program. Such dates shall be  
9 determined prior to the expiration of sixty percent of a juvenile's  
10 minimum term of confinement included within the prescribed range to  
11 which the juvenile has been committed. The secretary shall release  
12 any juvenile committed to the custody of the department within four  
13 calendar days prior to the juvenile's release date or on the release  
14 date set under this chapter. Days spent in the custody of the  
15 department shall be tolled by any period of time during which a  
16 juvenile has absented himself or herself from the department's  
17 supervision without the prior approval of the secretary or the  
18 secretary's designee.

19       (2) The secretary shall monitor the average daily population of  
20 the state's juvenile residential facilities. When the secretary  
21 concludes that in-residence population of residential facilities  
22 exceeds one hundred five percent of the rated bed capacity specified  
23 in statute, or in absence of such specification, as specified by the  
24 department in rule, the secretary may recommend reductions to the  
25 governor. On certification by the governor that the recommended  
26 reductions are necessary, the secretary has authority to  
27 administratively release a sufficient number of offenders to reduce  
28 in-residence population to one hundred percent of rated bed capacity.  
29 The secretary shall release those offenders who have served the  
30 greatest proportion of their sentence. However, the secretary may  
31 deny release in a particular case at the request of an offender, or  
32 if the secretary finds that there is no responsible custodian, as  
33 determined by the department, to whom to release the offender, or if  
34 the release of the offender would pose a clear danger to society. The  
35 department shall notify the committing court of the release at the  
36 time of release if any such early releases have occurred as a result  
37 of excessive in-residence population. In no event shall an offender  
38 adjudicated of a violent offense be granted release under the  
39 provisions of this subsection.

1 (3) (a) Following the release of any juvenile under subsection (1)  
2 of this section, the secretary may require the juvenile to comply  
3 with a program of parole to be administered by the department in his  
4 or her community which shall last no longer than eighteen months,  
5 except that in the case of a juvenile sentenced for a sex offense as  
6 defined under RCW 9.94A.030 the period of parole shall be twenty-four  
7 months and, in the discretion of the secretary, may be up to thirty-  
8 six months when the secretary finds that an additional period of  
9 parole is necessary and appropriate in the interests of public safety  
10 or to meet the ongoing needs of the juvenile. A parole program is  
11 mandatory for offenders released under subsection (2) of this section  
12 and for offenders who receive a juvenile residential commitment  
13 sentence for theft of a motor vehicle, possession of a stolen motor  
14 vehicle, or taking a motor vehicle without permission 1. A juvenile  
15 adjudicated for unlawful possession of a firearm, possession of a  
16 stolen firearm, theft of a firearm, or drive-by shooting may  
17 participate in aggression replacement training, functional family  
18 therapy, or functional family parole aftercare if the juvenile meets  
19 eligibility requirements for these services. The decision to place an  
20 offender in an evidence-based parole program shall be based on an  
21 assessment by the department of the offender's risk for reoffending  
22 upon release and an assessment of the ongoing treatment needs of the  
23 juvenile. The department shall prioritize available parole resources  
24 to provide supervision and services to offenders at moderate to high  
25 risk for reoffending.

26 (b) The secretary shall, for the period of parole, facilitate the  
27 juvenile's reintegration into his or her community and to further  
28 this goal shall require the juvenile to refrain from possessing a  
29 firearm or using a deadly weapon, and refrain from committing new  
30 offenses or violating any orders issued by the juvenile court  
31 pursuant to chapter 7.105 RCW, and may require the juvenile to: (i)  
32 Undergo available medical, psychiatric, drug and alcohol, sex  
33 offender, mental health, and other offense-related treatment  
34 services; (ii) report as directed to a parole officer and/or  
35 designee; (iii) pursue a course of study, vocational training, or  
36 employment; (iv) notify the parole officer of the current address  
37 where he or she resides; (v) be present at a particular address  
38 during specified hours; (vi) remain within prescribed geographical  
39 boundaries; (vii) submit to electronic monitoring; (viii) refrain  
40 from using illegal drugs and alcohol, and submit to random urinalysis



1 when requested by the assigned parole officer; (ix) refrain from  
2 contact with specific individuals or a specified class of  
3 individuals; (x) meet other conditions determined by the parole  
4 officer to further enhance the juvenile's reintegration into the  
5 community; (xi) pay any court-ordered fines or restitution; and (xii)  
6 perform community restitution. Community restitution for the purpose  
7 of this section means compulsory service, without compensation,  
8 performed for the benefit of the community by the offender. Community  
9 restitution may be performed through public or private organizations  
10 or through work crews.

11 (c) The secretary may further require up to twenty-five percent  
12 of the highest risk juvenile offenders who are placed on parole to  
13 participate in an intensive supervision program. Offenders  
14 participating in an intensive supervision program shall be required  
15 to comply with all terms and conditions listed in (b) of this  
16 subsection and shall also be required to comply with the following  
17 additional terms and conditions: (i) Obey all laws and refrain from  
18 any conduct that threatens public safety; (ii) report at least once a  
19 week to an assigned community case manager; and (iii) meet all other  
20 requirements imposed by the community case manager related to  
21 participating in the intensive supervision program. As a part of the  
22 intensive supervision program, the secretary may require day  
23 reporting.

24 (d) After termination of the parole period, the juvenile shall be  
25 discharged from the department's supervision.

26 (4) (a) The department may also modify parole for violation  
27 thereof. If, after affording a juvenile all of the due process rights  
28 to which he or she would be entitled if the juvenile were an adult,  
29 the secretary finds that a juvenile has violated a condition of his  
30 or her parole, the secretary shall order one of the following which  
31 is reasonably likely to effectuate the purpose of the parole and to  
32 protect the public: (i) Continued supervision under the same  
33 conditions previously imposed; (ii) intensified supervision with  
34 increased reporting requirements; (iii) additional conditions of  
35 supervision authorized by this chapter; (iv) except as provided in  
36 (a) (v) and (vi) of this subsection, imposition of a period of  
37 confinement not to exceed thirty days in a facility operated by or  
38 pursuant to a contract with the state of Washington or any city or  
39 county for a portion of each day or for a certain number of days each  
40 week with the balance of the days or weeks spent under supervision;

1 (v) the secretary may order any of the conditions or may return the  
2 offender to confinement for the remainder of the sentence range if  
3 the offense for which the offender was sentenced is rape in the first  
4 or second degree, rape of a child in the first or second degree,  
5 child molestation in the first degree, indecent liberties with  
6 forcible compulsion, or a sex offense that is also a serious violent  
7 offense as defined by RCW 9.94A.030; and (vi) the secretary may order  
8 any of the conditions or may return the offender to confinement for  
9 the remainder of the sentence range if the youth has completed the  
10 basic training camp program as described in RCW 13.40.320.

11 (b) The secretary may modify parole and order any of the  
12 conditions or may return the offender to confinement for up to  
13 twenty-four weeks if the offender was sentenced for a sex offense as  
14 defined under RCW 9A.44.128 and is known to have violated the terms  
15 of parole. Confinement beyond thirty days is intended to only be used  
16 for a small and limited number of sex offenders. It shall only be  
17 used when other graduated sanctions or interventions have not been  
18 effective or the behavior is so egregious it warrants the use of the  
19 higher level intervention and the violation: (i) Is a known pattern  
20 of behavior consistent with a previous sex offense that puts the  
21 youth at high risk for reoffending sexually; (ii) consists of sexual  
22 behavior that is determined to be predatory as defined in RCW  
23 71.09.020; or (iii) requires a review under chapter 71.09 RCW, due to  
24 a recent overt act. The total number of days of confinement for  
25 violations of parole conditions during the parole period shall not  
26 exceed the number of days provided by the maximum sentence imposed by  
27 the disposition for the underlying offense pursuant to RCW  
28 13.40.0357. The department shall not aggregate multiple parole  
29 violations that occur prior to the parole revocation hearing and  
30 impose consecutive twenty-four week periods of confinement for each  
31 parole violation. The department is authorized to engage in rule  
32 making pursuant to chapter 34.05 RCW, to implement this subsection,  
33 including narrowly defining the behaviors that could lead to this  
34 higher level intervention.

35 (c) If the department finds that any juvenile in a program of  
36 parole has possessed a firearm or used a deadly weapon during the  
37 program of parole, the department shall modify the parole under (a)  
38 of this subsection and confine the juvenile for at least thirty days.  
39 Confinement shall be in a facility operated by or pursuant to a  
40 contract with the state or any county.

1 (5) A parole officer of the department of children, youth, and  
2 families shall have the power to arrest a juvenile under his or her  
3 supervision on the same grounds as a law enforcement officer would be  
4 authorized to arrest the person.

5 (6) If so requested and approved under chapter 13.06 RCW, the  
6 secretary shall permit a county or group of counties to perform  
7 functions under subsections (3) through (5) of this section.

8 NEW SECTION. **Sec. 17.** A new section is added to chapter 36.27  
9 RCW to read as follows:

10 (1) The prosecuting attorney of each county in the state of  
11 Washington must coordinate the establishment of a multidisciplinary  
12 team to address adult sexual assault or coordinate with other local  
13 jurisdictions to ensure that resources are available to adult victims  
14 of sexual assault.

15 (2) The multidisciplinary team established in subsection (1) of  
16 this section must meet at least annually to develop protocols and  
17 responses to adult sexual assault.

18 (3) The prosecuting attorney of each county in the state of  
19 Washington shall invite the following members to participate in the  
20 multidisciplinary team established in subsection (1) of this section:

21 (a) The sheriff of the county or the sheriff's designee;

22 (b) One member representing survivors of sexual assault;

23 (c) One member who is a sexual assault nurse examiner;

24 (d) One member who is a sexual assault advocate from an  
25 accredited community sexual assault program;

26 (e) One member of a culturally specific sexual assault services  
27 program, if available;

28 (f) One member from a local hospital or other emergency medical  
29 facility; and

30 (g) In the discretion of the prosecuting attorney, any other  
31 person who would advance the purpose of the multidisciplinary team.

32 NEW SECTION. **Sec. 18.** A new section is added to chapter 43.70  
33 RCW to read as follows:

34 (1) Subject to the availability of amounts appropriated for this  
35 specific purpose, the department of health hereby creates a program  
36 to ensure statewide forensic nurse coordination.

37 (2) The statewide forensic nurse coordination program shall:

1 (a) Provide technical assistance to adult, adolescent, and  
2 pediatric sexual assault nurse examiner programs and forensic nurse  
3 examiner programs across the state;

4 (b) Identify and alleviate barriers faced by hospitals relating  
5 to creating, maintaining, or operating adult adolescent, or pediatric  
6 sexual assault nurse examiner programs or forensic nurse examiner  
7 programs;

8 (c) Conduct a statewide needs assessment of adult, adolescent,  
9 and pediatric sexual assault nurse examiner programs and forensic  
10 nurse examiner programs;

11 (d) Provide and maintain centralized resources for adult,  
12 adolescent, and pediatric sexual assault nurse examiners and forensic  
13 nurse examiners;

14 (e) Oversee the supply, distribution, and content of Washington  
15 standardized sexual assault kits;

16 (f) Develop and update standards of care for forensic exams and  
17 documentation;

18 (g) Assess and maintain standards for forensic nurse training  
19 curriculum for ongoing and didactic training, including  
20 preceptorship, by:

21 (i) Providing technical assistance to promote consistent  
22 trainings across the state with variances as needed;

23 (ii) Providing information on trauma-informed and cultural  
24 competency standards; and

25 (iii) Facilitating surveys and other mechanisms to provide  
26 forensic exam patients the ability to give feedback on the patients'  
27 experiences that can be used to enhance forensic nurse training  
28 standards;

29 (h) Coordinate statewide forensic nurse trainings;

30 (i) Develop standardized forensic nurse training videos for  
31 hospitals and perform on-site trainings at hospitals;

32 (j) Develop plans to ensure statewide coverage and availability  
33 of adult, adolescent, and pediatric sexual assault nurse examiners  
34 and forensic nurse examiners;

35 (k) Maintain and collect data on the availability of adult,  
36 adolescent, and pediatric sexual assault nurse examiners and forensic  
37 nurse examiners;

38 (l) Coordinate with victim advocacy services;

1 (m) Provide organizational and capacity building support to  
2 adult, adolescent, and pediatric sexual assault nurse examiner  
3 programs and forensic nurse examiner programs; and

4 (n) Integrate resources for victims of sexual assault into  
5 existing local or state referral hotlines.

6 NEW SECTION. **Sec. 19.** A new section is added to chapter 70.125  
7 RCW to read as follows:

8 (1) Any minor age 13 years or older may consent to a sexual  
9 assault forensic examination conducted for the purposes of gathering  
10 evidence for possible prosecution.

11 (2) Any minor age 13 years or older may give consent to the  
12 furnishing of hospital, medical, and surgical care for any sexually  
13 transmitted disease or suspected sexually transmitted disease as a  
14 result of a sexual assault.

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

19 NEW SECTION. **Sec. 21.** This act takes effect July 1, 2024.

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