
HOUSE BILL 1028

State of Washington

68th Legislature

2023 Regular Session

By Representatives Orwall, Mosbrucker, Ryu, Simmons, Goodman, Reed, Lekanoff, Pollet, Callan, Doglio, Macri, Caldier, Reeves, Wylie, Gregerson, Davis, Ormsby, and Fosse

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1 AN ACT Relating to supporting crime victims and witnesses by
2 promoting victim-centered, trauma-informed responses in the legal
3 system; amending RCW 5.70.040, 5.70.050, 5.70.060, 9A.04.080,
4 43.101.272, 43.101.276, 43.101.278, 7.68.170, 43.43.545, 7.68.380,
5 43.185C.260, and 7.69.030; adding a new section to chapter 43.10 RCW;
6 adding new sections to chapter 43.101 RCW; adding a new section to
7 chapter 43.280 RCW; adding a new section to chapter 70.02 RCW; adding
8 a new section to chapter 7.68 RCW; creating a new section; repealing
9 RCW 43.101.270; providing an effective date; and providing expiration
10 dates.

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

12 **PART I**
13 **INVESTIGATIONS AND PROSECUTIONS OF SEXUAL ASSAULT CASES**

14 NEW SECTION. **Sec. 1.** The legislature recognizes that sexual
15 assault is a devastating crime affecting thousands of Washingtonians.
16 For this reason, the state has engaged in a multiyear effort to
17 implement victim-centered and trauma-informed practices for
18 responding to sexual assault across the criminal legal system. With
19 the support of state funding and the sexual assault kit initiative,
20 the Washington state crime laboratory has conducted the testing of

1 over 10,000 previously unsubmitted sexual assault kits, and has
2 expanded testing capacity to ensure all sexual assault kits will be
3 tested within 45 days of submission going forward. Yet testing alone
4 is not enough.

5 Each report of sexual assault should be investigated at the local
6 level, regardless of the status of any sexual assault kit. All sexual
7 assault survivors deserve to be treated with respect and dignity, and
8 that begins with investigating every report of sexual assault.
9 Further, thorough and professional investigations are imperative for
10 public safety. Recent research demonstrates that the majority of
11 perpetrators commit multiple assaults over their lifetime. Despite
12 this, perpetrators often evade accountability and prosecution. This
13 needs to change. By improving forensic testing, conducting thorough
14 investigations of each report, and implementing best practices for
15 all practitioners, the state can successfully bring perpetrators to
16 justice and prevent further victimization. Therefore, the legislature
17 intends to expand efforts to improve investigations and prosecutions
18 by requiring timely investigations of sexual assault cases with CODIS
19 hits, and requiring regular reporting on the status of those cases.
20 Access to these reports will provide policymakers and practitioners
21 with critical insights as implementation continues with broader
22 reform efforts.

23 **Sec. 2.** RCW 5.70.040 and 2020 c 26 s 4 are each amended to read
24 as follows:

25 (1) When a law enforcement agency receives a sexual assault kit,
26 the law enforcement agency must, within thirty days of its receipt,
27 submit a request for laboratory examination to the Washington state
28 patrol crime laboratory for prioritization for testing by it or
29 another accredited laboratory that holds an outsourcing agreement
30 with the Washington state patrol if:

31 (a) The law enforcement agency has received a related report or
32 complaint alleging a sexual assault or other crime has occurred; and

33 (b) (i) Consent for laboratory examination has been given by the
34 victim; or

35 (ii) The victim is a person under the age of eighteen who is not
36 emancipated pursuant to chapter 13.64 RCW.

37 (2) Beginning May 1, 2022, when the Washington state patrol
38 receives a request for laboratory examination of a sexual assault kit
39 from a law enforcement agency, the Washington state patrol shall

1 conduct the laboratory examination of the sexual assault kit, and
2 when appropriate, enter relevant information into the combined DNA
3 index system, within forty-five days of receipt of the request. The
4 Washington state patrol crime laboratory must give priority to the
5 laboratory examination of sexual assault kits at the request of a
6 local law enforcement agency for:

7 (a) Active investigations and cases with impending court dates;

8 (b) Active investigations where public safety is an immediate
9 concern;

10 (c) Violent crimes investigations, including active sexual
11 assault investigations;

12 (d) Postconviction cases; and

13 (e) Other crimes' investigations and nonactive investigations,
14 such as previously unsubmitted older sexual assault kits or recently
15 collected sexual assault kits that the submitting agency has
16 determined to be lower priority based on their initial investigation.

17 (3) The requirements to request and complete laboratory
18 examination of sexual assault kits under subsections (1) and (2) of
19 this section do not include forensic toxicological analysis. However,
20 nothing in this section limits or modifies the authority of a law
21 enforcement agency to request toxicological analysis of evidence
22 collected in a sexual assault kit.

23 (4) When forensic analysis of a sexual assault kit submitted
24 under this section generates a profile resulting in a hit in the
25 combined DNA index system, the applicable general law enforcement
26 agency shall conduct a criminal investigation of any report connected
27 to the sexual assault kit within 90 days.

28 (5) The failure of a law enforcement agency (~~to submit a request~~
29 ~~for laboratory examination,~~) or the (~~failure of the~~) Washington
30 state patrol to (~~facilitate laboratory examination,~~) complete the
31 requirements under this section within the time periods prescribed
32 under this section does not constitute grounds in any criminal
33 proceeding for challenging the validity of a DNA evidence
34 association, and any evidence obtained from the sexual assault kit
35 may not be excluded by a court on those grounds.

36 (~~(+5)~~) (6) A person accused or convicted of committing a crime
37 against a victim has no standing to object to any failure to comply
38 with the requirements of this section, and the failure to comply with
39 the requirements of this section is not grounds for setting aside the
40 conviction or sentence.

1 ~~((6))~~ (7) Nothing in this section may be construed to create a
2 private right of action or claim on the part of any individual,
3 entity, or agency against any law enforcement agency or any
4 contractor of any law enforcement agency.

5 ~~((7))~~ (8) This section applies to sexual assault examinations
6 performed on or after July 24, 2015.

7 ~~((8)(a) Until June 30, 2023, the))~~ (a) The Washington state
8 patrol shall compile the following information related to the sexual
9 assault kits identified in this section and RCW 5.70.050:

10 (i) The total number of requests and the number of requests
11 occurring in the previous 12 months for laboratory examination ~~((made~~
12 ~~for))~~ of sexual assault kits and the law enforcement agencies that
13 submitted the requests; ~~((and))~~

14 (ii) The progress made towards testing the sexual assault kits,
15 including the status of requests for laboratory examination made by
16 each law enforcement agency; and

17 (iii) The total number of hits and the number of hits occurring
18 in the previous 12 months in the combined DNA index system connected
19 to forensic analysis of sexual assault kits under this section.

20 (b) The ~~((Washington state patrol shall make recommendations for~~
21 ~~increasing the progress on testing any untested sexual assault kits.~~

22 ~~((Beginning in 2015, the))~~ Washington state patrol shall submit
23 an annual report ~~((its findings and recommendations annually))~~ with
24 the information required by this section to the appropriate
25 committees of the legislature and the governor by ~~((December 1st))~~
26 July 31st of each year.

27 (c) The Washington state patrol may submit the information under
28 (a) of this subsection with the report required by RCW 43.43.545, in
29 which case a separate report under this section is not required.

30 **Sec. 3.** RCW 5.70.050 and 2020 c 26 s 5 are each amended to read
31 as follows:

32 (1) Law enforcement agencies shall submit requests for forensic
33 analysis of all sexual assault kits collected prior to July 24, 2015,
34 and in the possession of the agencies to the Washington state patrol
35 crime laboratory by October 1, 2019, except submission for forensic
36 analysis is not required when: (a) Forensic analysis has previously
37 been conducted; (b) there is documentation of an adult victim or
38 emancipated minor victim expressing that he or she does not want his
39 or her sexual assault kit submitted for forensic analysis; or (c) a

1 sexual assault kit is noninvestigatory and held by a law enforcement
2 agency pursuant to an agreement with a hospital or other medical
3 provider. The requirements of this subsection apply regardless of the
4 statute of limitations or the status of any related investigation.

5 (2) The Washington state patrol crime laboratory may consult with
6 local law enforcement agencies to coordinate the efficient submission
7 of requests for forensic analysis under this section in conjunction
8 with the implementation of the statewide tracking system under RCW
9 43.43.545, provided that all requests are submitted and all required
10 information is entered into the statewide sexual assault tracking
11 system by October 1, 2019. The Washington state patrol crime
12 laboratory shall facilitate the forensic analysis of all sexual
13 assault kits submitted under this section by December 1, 2021. The
14 analysis may be conducted by the Washington state patrol laboratory
15 or an accredited laboratory holding a contract or agreement with the
16 Washington state patrol. The Washington state patrol shall process
17 the forensic analysis of sexual assault kits in accordance with the
18 priorities in RCW 5.70.040(2).

19 (3) The requirements to request and complete laboratory
20 examination of sexual assault kits under this section do not include
21 forensic toxicological analysis. However, nothing in this section
22 limits or modifies the authority of a law enforcement agency to
23 request toxicological analysis of evidence collected in a sexual
24 assault kit.

25 (4) When forensic analysis of a sexual assault kit submitted
26 under this section generates a profile resulting in a hit in the
27 combined DNA index system, the applicable general law enforcement
28 agency shall conduct a criminal investigation of any report connected
29 to the sexual assault kit within 90 days.

30 (5) The failure of a law enforcement agency to (~~submit a request~~
31 ~~for laboratory examination~~) comply with the requirements under this
32 section within the time prescribed under this section does not
33 constitute grounds in any criminal proceeding for challenging the
34 validity of a DNA evidence association, and any evidence obtained
35 from the sexual assault kit may not be excluded by a court on those
36 grounds.

37 ((+5)) (6) A person accused or convicted of committing a crime
38 against a victim has no standing to object to any failure to comply
39 with the requirements of this section, and the failure to comply with

1 the requirements of this section is not grounds for setting aside the
2 conviction or sentence.

3 ~~((6))~~ (7) Nothing in this section may be construed to create a
4 private right of action or claim on the part of any individual,
5 entity, or agency against any law enforcement agency or any
6 contractor of any law enforcement agency.

7 **Sec. 4.** RCW 5.70.060 and 2021 c 118 s 2 are each amended to read
8 as follows:

9 (1) For any sexual assault kit (~~under RCW 5.70.050~~) where
10 forensic analysis has generated a profile that has resulted in a hit
11 in the combined DNA index system, the office of the attorney general
12 shall request information from the applicable law enforcement agency
13 and prosecuting attorney as to the case status of any related
14 criminal investigation and prosecution, including information as
15 provided under RCW 5.70.005(5) as well as any other relevant
16 information. The law enforcement agency and prosecuting attorney
17 shall provide requested case status updates to the office of the
18 attorney general. The office of the attorney general shall consult
19 with the association when developing any procedures for requesting
20 and collecting case status updates under this section.

21 (2) Nothing in this section may be interpreted to require any law
22 enforcement agency or prosecuting attorney to disclose any
23 information that would jeopardize an active criminal investigation or
24 prosecution.

25 (3) The attorney general's office shall report quarterly to the
26 association the investigational status of any sexual assault kit
27 under RCW 5.70.050.

28 (4) Beginning in 2022, in consultation with the attorney
29 general's office, the association must submit reports on the
30 information collected pursuant to this section to the governor and
31 appropriate committees of the legislature by January 1st and July 1st
32 of each year.

33 **Sec. 5.** RCW 9A.04.080 and 2022 c 282 s 4 are each amended to
34 read as follows:

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

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

1 (i) Murder;

2 (ii) Homicide by abuse;

3 (iii) Arson if a death results;

4 (iv) Vehicular homicide;

5 (v) Vehicular assault if a death results;

6 (vi) Hit-and-run injury-accident if a death results (RCW
7 46.52.020(4));

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

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

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

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

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

15 (xii) Sexual misconduct with a minor in the first degree (RCW
16 9A.44.093);

17 (xiii) Custodial sexual misconduct in the first degree (RCW
18 9A.44.160);

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

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

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

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

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

26 (i) Rape in the first degree (RCW 9A.44.040);

27 (ii) Rape in the second degree (RCW 9A.44.050); or

28 (iii) Indecent liberties (RCW 9A.44.100).

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

31 (i) Any felony committed by a public officer if the commission is
32 in connection with the duties of his or her office or constitutes a
33 breach of his or her public duty or a violation of the oath of
34 office;

35 (ii) Arson if no death results;

36 (iii) Rape in the third degree (RCW 9A.44.060);

37 (iv) Attempted murder; or

38 (v) Trafficking under RCW 9A.40.100.

39 (d) A violation of any offense listed in this subsection (1)(d)
40 may be prosecuted up to ten years after its commission or, if

1 committed against a victim under the age of eighteen, up to the
2 victim's thirtieth birthday, whichever is later:

3 (i) RCW 9.68A.100 (commercial sexual abuse of a minor);

4 (ii) RCW 9.68A.101 (promoting commercial sexual abuse of a
5 minor);

6 (iii) RCW 9.68A.102 (promoting travel for commercial sexual abuse
7 of a minor); or

8 (iv) RCW 9A.64.020 (incest).

9 (e) The following offenses may not be prosecuted more than six
10 years after its commission or discovery, whichever occurs later:

11 (i) Violations of RCW 9A.82.060 or 9A.82.080;

12 (ii) Any felony violation of chapter 9A.83 RCW;

13 (iii) Any felony violation of chapter 9.35 RCW;

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

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

17 (vi) Trafficking in stolen property in the first or second degree
18 under chapter 9A.82 RCW in which the stolen property is a motor
19 vehicle or major component part of a motor vehicle as defined in RCW
20 46.80.010; or

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

22 (f) The following offenses may not be prosecuted more than five
23 years after its commission: Any class C felony under chapter 74.09,
24 82.36, or 82.38 RCW.

25 (g) Bigamy may not be prosecuted more than three years after the
26 time specified in RCW 9A.64.010.

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

30 (i) No other felony may be prosecuted more than three years after
31 its commission; except that in a prosecution under RCW 9A.44.115, if
32 the person who was viewed, photographed, or filmed did not realize at
33 the time that he or she was being viewed, photographed, or filmed,
34 the prosecution must be commenced within two years of the time the
35 person who was viewed or in the photograph or film first learns that
36 he or she was viewed, photographed, or filmed.

37 (j) No gross misdemeanor may be prosecuted more than two years
38 after its commission.

39 (k) No misdemeanor may be prosecuted more than one year after its
40 commission.

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

4 (3) In any prosecution for a sex offense as defined in RCW
5 9.94A.030, the periods of limitation prescribed in subsection (1) of
6 this section run from the date of commission or (~~two~~) four years
7 from the date on which the identity of the suspect is conclusively
8 established by deoxyribonucleic acid testing or by photograph as
9 defined in RCW 9.68A.011, whichever is later.

10 (4) If, before the end of a period of limitation prescribed in
11 subsection (1) of this section, an indictment has been found or a
12 complaint or an information has been filed, and the indictment,
13 complaint, or information is set aside, then the period of limitation
14 is extended by a period equal to the length of time from the finding
15 or filing to the setting aside.

16 NEW SECTION. **Sec. 6.** A new section is added to chapter 43.10
17 RCW to read as follows:

18 (1)(a) The sexual assault forensic examination best practices
19 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.

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

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

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

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

32 (I) The Washington state patrol;

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

34 (III) The Washington association of prosecuting attorneys;

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

37 (V) The Washington association of cities;

38 (VI) The Washington association of county officials;

39 (VII) The Washington coalition of sexual assault programs;

1 (VIII) The office of crime victims advocacy;
2 (IX) The Washington state hospital association;
3 (X) The office of the attorney general; and
4 (XI) The criminal justice training commission;
5 (B) Two members representing survivors of sexual assault;
6 (C) One member who is a sexual assault nurse examiner;
7 (D) Two members who are law enforcement officers, one from a
8 rural area and one from an urban area of the state;
9 (E) One member who is a prosecuting attorney serving in a county
10 in a rural area of the state; and
11 (F) Two members who are community-based advocates, one from a
12 rural area and one from an urban area of the state.
13 (b) When appointing members under (a)(iii)(D) of this subsection,
14 the office of the attorney general shall solicit recommendations from
15 statewide labor organizations representing law enforcement officers.
16 (2) The duties of the advisory group include, but are not limited
17 to:
18 (a) Researching the best practice models both in state and from
19 other states for collaborative responses to victims of sexual assault
20 from the point the sexual assault kit is collected to the conclusion
21 of the investigation and prosecution of a case, and providing
22 recommendations regarding any existing gaps in Washington and
23 resources that may be necessary to address those gaps;
24 (b) Researching and making recommendations on opportunities to
25 increase access to, and availability of, critical sexual assault
26 nurse examiner services;
27 (c) Monitoring the testing of the backlog of sexual assault kits
28 and the supply chain and distribution of sexual assault kits;
29 (d) Monitoring implementation of state and federal legislative
30 changes;
31 (e) Collaborating with the legislature, state agencies, medical
32 facilities, and local governments to implement reforms pursuant to
33 federal grant requirements; and
34 (f) Making recommendations for institutional reforms necessary to
35 prevent sexual assault and improve the experiences of sexual assault
36 survivors in the criminal justice system.
37 (3) The office of the attorney general shall administer and
38 provide staff support to the advisory group.
39 (4) Legislative members of the advisory group must be reimbursed
40 for travel expenses in accordance with RCW 44.04.120. Nonlegislative

1 members, except those representing an employer or organization, are
2 entitled to be reimbursed for travel expenses in accordance with RCW
3 43.03.050 and 43.03.060.

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

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

8 (7) This section expires July 1, 2026.

9 NEW SECTION. **Sec. 7.** A new section is added to chapter 43.101
10 RCW to read as follows:

11 (1) Subject to the availability of amounts appropriated for this
12 specific purpose, the commission shall administer a grant program for
13 establishing a statewide resource prosecutor for sexual assault
14 cases.

15 (2) The grant recipient must be a statewide organization or
16 association representing prosecuting attorneys. The grant recipient
17 shall hire a resource prosecutor for the following purposes:

18 (a) To partner with the commission on the development and
19 implementation of training under section 8 of this act;

20 (b) To provide technical assistance and research to prosecutors
21 for prosecuting sexual assault cases;

22 (c) To provide additional training and resources to prosecutors
23 to support a trauma-informed, victim-centered approach to prosecuting
24 sexual assault cases;

25 (d) To meet regularly with law enforcement agencies and
26 prosecutors to explain legal issues and prosecutorial approaches to
27 sexual assault cases and provide and receive feedback to improve case
28 outcomes;

29 (e) To consult with the commission, the office of the attorney
30 general, and the sexual assault forensic examination best practices
31 advisory group under section 6 of this act with respect to developing
32 and implementing best practices for prosecuting sexual assault cases
33 across the state; and

34 (f) To comply with other requirements established by the
35 commission under this section.

36 (3) The commission may, in consultation with the sexual assault
37 forensic examination best practices advisory group under section 6 of
38 this act, establish additional appropriate conditions for any grant
39 awarded under this section. The commission may adopt necessary

1 policies and procedures to implement and administer the grant
2 program, including monitoring the use of grant funds and compliance
3 with the grant requirements.

4 NEW SECTION. **Sec. 8.** A new section is added to chapter 43.280
5 RCW to read as follows:

6 (1) Subject to the availability of amounts appropriated for this
7 specific purpose, the department of commerce shall establish and
8 administer a competitive grant program to support regional
9 multidisciplinary community response teams engaged in seeking a just
10 resolution to sexual assault cases. The department of commerce shall:

11 (a) Design and implement the grant project with the elements
12 included in this section;

13 (b) Screen and select eligible applicants to receive grants;

14 (c) Adopt necessary policies and procedures to implement and
15 administer the program;

16 (d) Monitor use of grant funds and compliance with the grant
17 requirements;

18 (e) Create and implement reporting requirements for grant
19 recipients; and

20 (f) Report to the appropriate committees of the legislature and
21 the governor by December 1st of each year regarding the status of
22 grant award.

23 (2) Grant recipients must:

24 (a) Establish a multidisciplinary sexual assault investigation
25 team or teams for conducting investigations and prosecutions of
26 sexual assault, which must include prosecutors, law enforcement, and
27 victim advocates; and

28 (b) Require participants in the sexual assault investigation team
29 or teams to participate in and complete specialized training for
30 victim-centered, trauma-informed investigation and prosecutions,
31 including the training offered through the criminal justice training
32 commission.

33 (3) Grant funds may also support personnel costs, including
34 hiring and overtime, to allow for adequate investigations and
35 prosecutions. Grant awards must be prioritized for eligible
36 applicants with a commitment to colocate assigned prosecutors, law
37 enforcement, and victim advocates for the duration of the grant
38 program.

1 (4) Subject to the availability of amounts appropriated for this
2 specific purpose, the project may also allocate funds for grant
3 recipients to:

4 (a) Create and employ training in relation to sexual assault
5 evidence, victimization and trauma response, and other related topics
6 to improve the quality and outcomes of sexual assault investigations
7 and prosecutions;

8 (b) Enhance victim services and support for past and current
9 victims of sexual assault; or

10 (c) Develop evidence collection, retention, victim notification,
11 and other protocols needed to optimize data sharing, case
12 investigation, prosecution, and victim support.

13 (5) In developing and administering the grant program under this
14 section, the department of commerce shall consult with the special
15 resource prosecutor under section 7 of this act and the sexual
16 assault forensic examination best practices advisory group.

17 (6) For the purposes of this section, "eligible applicants"
18 include: Law enforcement agencies, prosecutor's offices, or a
19 governmental nonlaw enforcement agency acting as fiscal agent for one
20 of the previously listed types of eligible applicants. A combination
21 of jurisdictions, including contiguous jurisdictions of multiple
22 towns, cities, or counties, may create a task force or other entity
23 for the purposes of applying for and receiving a grant, provided that
24 the relevant prosecutors and law enforcement agencies are acting in
25 partnership in complying with the grant requirements.

26 **PART II**
27 **TRAINING**

28 **Sec. 9.** RCW 43.101.272 and 2019 c 93 s 5 are each amended to
29 read as follows:

30 (1) Subject to the availability of amounts appropriated for this
31 specific purpose, the commission shall provide ongoing specialized,
32 intensive, and integrative training for persons responsible for
33 investigating sexual assault ((eases)) and other gender-based
34 violence involving adult victims, and the highest ranking supervisors
35 and commanders overseeing sexual assault and other gender-based
36 violence investigations. The training must be based on a victim-
37 centered, trauma-informed approach to responding to sexual assault.
38 Among other subjects, the training must include content on the

1 neurobiology of trauma and trauma-informed interviewing, counseling,
2 and investigative techniques.

3 (2) The training must: Be based on research-based practices and
4 standards; offer participants an opportunity to practice interview
5 skills and receive feedback from instructors; minimize the trauma of
6 all persons who are interviewed during abuse investigations; provide
7 methods of reducing the number of investigative interviews necessary
8 whenever possible; assure, to the extent possible, that investigative
9 interviews are thorough, objective, and complete; recognize needs of
10 special populations; recognize the nature and consequences of
11 victimization; require investigative interviews to be conducted in a
12 manner most likely to permit the interviewed persons the maximum
13 emotional comfort under the circumstances; address record retention
14 and retrieval; address documentation of investigative interviews; and
15 educate investigators on the best practices for notifying victims of
16 the results of forensic analysis of sexual assault kits and other
17 significant events in the investigative process, including for active
18 investigations and cold cases.

19 (3) In developing the training, the commission shall seek advice
20 from the Washington association of sheriffs and police chiefs, the
21 Washington coalition of sexual assault programs, and experts on
22 sexual assault, gender-based violence, and the neurobiology of
23 trauma. The commission shall consult with the Washington association
24 of prosecuting attorneys in an effort to design training containing
25 consistent elements for all professionals engaged in interviewing and
26 interacting with sexual assault victims in the criminal justice
27 system.

28 (4) (~~The commission shall develop the training and begin~~
29 ~~offering it by July 1, 2018.~~) Officers assigned to regularly
30 investigate sexual assault and other gender-based violence involving
31 adult victims and the highest ranking supervisors and commanders
32 overseeing those investigations shall complete the training within
33 one year of being assigned (~~or by July 1, 2020, whichever is~~
34 ~~later~~).

35 **Sec. 10.** RCW 43.101.276 and 2017 c 290 s 5 are each amended to
36 read as follows:

37 (1) Subject to the availability of amounts appropriated for this
38 specific purpose, the commission shall develop peace officer training
39 on a victim-centered, trauma-informed approach to interacting with

1 victims and responding to (~~sexual assault~~) calls involving gender-
2 based violence. The curriculum must (~~Be designed for commissioned~~
3 ~~patrol officers not regularly assigned to investigate sexual assault~~
4 ~~cases; be designed for deployment and use within individual law~~
5 ~~enforcement agencies;~~) include features allowing for it to be used
6 in different environments, which may include multimedia or video
7 components (~~allow for law enforcement agencies to host it in small~~
8 ~~segments at different times over several days or weeks, including~~
9 ~~roll-calls~~). The training must include components on available
10 resources for victims including, but not limited to, material on and
11 references to community-based victim advocates.

12 (2) In developing the training, the commission shall seek advice
13 from the Washington association of sheriffs and police chiefs, the
14 Washington coalition of sexual assault programs, and experts on
15 sexual assault, gender-based violence, and the neurobiology of
16 trauma.

17 (3) (~~Beginning in 2018, all law enforcement agencies shall~~
18 ~~annually host the training for commissioned peace officers. All law~~
19 ~~enforcement agencies shall, to the extent feasible, consult with and~~
20 ~~feature local community-based victim advocates during the training.~~)
21 All peace officers shall complete the training under this section at
22 least once every three years.

23 **Sec. 11.** RCW 43.101.278 and 2021 c 118 s 3 are each amended to
24 read as follows:

25 (1) Subject to the availability of amounts appropriated for this
26 specific purpose, the commission shall conduct an annual case review
27 program. The program must review case files from law enforcement
28 agencies and prosecuting attorneys selected by the commission in
29 order to identify changes to training and investigatory practices
30 necessary to optimize outcomes in sexual assault investigations and
31 prosecutions involving adult victims. The program must include:

32 (a) An evaluation of whether current training and practices
33 foster a trauma-informed, victim-centered approach to victim
34 interviews and that identifies best practices and current gaps in
35 training and assesses the integration of the community resiliency
36 model;

37 (b) A comparison of cases involving investigators (~~and~~),
38 interviewers, and prosecutors who have participated in training to

1 cases involving investigators (~~and~~), interviewers, and prosecutors
2 who have not participated in training;

3 (c) Randomly selected cases for a systematic review to assess
4 whether current practices conform to national best practices for a
5 multidisciplinary approach to investigating and prosecuting sexual
6 assault cases and interacting with survivors; and

7 (d) An analysis of the impact that race and ethnicity have on
8 sexual assault case outcomes.

9 (2) The case review program may review and access files,
10 including all reports and recordings, pertaining to closed cases
11 involving allegations of adult sexual assault only. Any law
12 enforcement agency or prosecuting attorney selected for the program
13 by the commission shall make requested case files and other documents
14 available to the commission, provided that the case files are not
15 linked to ongoing, open investigations and that redactions may be
16 made where appropriate and necessary. Agencies and prosecuting
17 attorneys shall include available information on the race and
18 ethnicity of all sexual assault victims in the relevant case files
19 provided to the commission. Case files and other documents must be
20 made available to the commission according to appropriate deadlines
21 established by the commission in consultation with the agency or
22 prosecuting attorney.

23 (3) If a law enforcement agency has not participated in the
24 training under RCW 43.101.272 (~~by July 1, 2022~~) or 43.101.276
25 within the previous 24 months, the commission may prioritize the
26 agency for selection to participate in the program under this
27 section.

28 (4) In designing and conducting the program, the commission shall
29 consult and collaborate with experts in trauma-informed and victim-
30 centered training, experts in sexual assault investigations and
31 prosecutions, victim advocates, and other stakeholders identified by
32 the commission. The commission may form a multidisciplinary working
33 group for the purpose of carrying out the requirements of this
34 section.

35 (5) The commission shall submit a report with a summary of its
36 work to the governor and the appropriate committees of the
37 legislature by December 1st of each year.

38 NEW SECTION. **Sec. 12.** A new section is added to chapter 43.101
39 RCW to read as follows:

1 (1) Subject to the availability of amounts appropriated for this
2 specific purpose, the commission shall, in partnership with the
3 special resource prosecutor under section 7 of this act, develop and
4 conduct specialized, intensive, and integrative training for persons
5 responsible for prosecuting sexual assault cases involving adult
6 victims.

7 (2) The training must:

8 (a) Use a victim-centered, trauma-informed approach to
9 prosecuting sexual assaults including, but not limited to, the
10 following goals: Recognizing the nature and consequences of
11 victimization; prioritizing the safety and well-being of victims; and
12 recognizing the needs of special populations;

13 (b) Include content on the neurobiology of trauma and trauma-
14 informed interviewing, counseling, investigative, and prosecution
15 techniques;

16 (c) Offer participants an opportunity to practice interview and
17 trial skills, including receiving feedback from instructors;

18 (d) Share best practices for communicating with victims
19 throughout the criminal justice process;

20 (e) Include additional content relevant to and informed by best
21 practices for improving outcomes in sexual assault prosecutions, as
22 deemed appropriate by the commission;

23 (f) Take into account the training under RCW 43.101.272 in order
24 to provide consistent and complimentary training for investigators
25 and prosecutors;

26 (g) Be designed to qualify for some continuing legal education
27 credits through the Washington state bar association; and

28 (h) Be offered at least once per calendar year and be deployed in
29 different locations across the state, or through some other broadly
30 accessible means, in order to improve access to the training for
31 prosecutors serving in small offices or rural areas.

32 PART III

33 FORENSIC EXAMINATIONS AND EVIDENCE

34 **Sec. 13.** RCW 7.68.170 and 1979 ex.s. c 219 s 11 are each amended
35 to read as follows:

36 (1) No costs incurred by a hospital or other emergency medical
37 facility located in the state for the examination of the victim of a
38 sexual assault, when such examination is performed for the purposes

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

5 (2) A sexual assault victim who is a state resident and who
6 receives an examination performed for the purposes of gathering
7 evidence for possible prosecution by a hospital or other emergency
8 medical facility located outside of the state may seek reimbursement
9 for any costs charged to him or her by the hospital or facility, and
10 those costs shall be reimbursed by the state pursuant to this
11 chapter. The department may establish arrangements with any hospital
12 or facility located out of state to allow costs for examinations of
13 state residents to be paid according to the same procedures under
14 subsection (1) of this section so as to prevent such residents from
15 being charged directly or indirectly for the examination.

16 **Sec. 14.** RCW 43.43.545 and 2020 c 26 s 6 are each amended to
17 read as follows:

18 (1) The Washington state patrol shall create and operate a
19 statewide sexual assault kit tracking system. The Washington state
20 patrol may contract with state or nonstate entities including, but
21 not limited to, private software and technology providers, for the
22 creation, operation, and maintenance of the system.

23 (2) The statewide sexual assault kit tracking system must:

24 (a) Track the location and status of sexual assault kits
25 throughout the criminal justice process, including the initial
26 collection in examinations performed at medical facilities, receipt
27 and storage at law enforcement agencies, receipt and analysis at
28 forensic laboratories, and storage and any destruction after
29 completion of analysis;

30 (b) Designate sexual assault kits as unreported or reported;

31 (c) Indicate whether a sexual assault kit contains biological
32 materials collected for the purpose of forensic toxicological
33 analysis;

34 (d) Allow medical facilities performing sexual assault forensic
35 examinations, law enforcement agencies, prosecutors, the Washington
36 state patrol bureau of forensic laboratory services, and other
37 entities having custody of sexual assault kits to update and track
38 the status and location of sexual assault kits;

1 (e) Allow victims of sexual assault to anonymously track or
2 receive updates regarding the status of their sexual assault kits;
3 and

4 (f) Use electronic technology or technologies allowing continuous
5 access.

6 (3) The Washington state patrol may use a phased implementation
7 process in order to launch the system and facilitate entry and use of
8 the system for required participants. The Washington state patrol may
9 phase initial participation according to region, volume, or other
10 appropriate classifications. All entities having custody of sexual
11 assault kits shall fully participate in the system no later than June
12 1, 2018. The Washington state patrol shall submit a report on the
13 current status and plan for launching the system, including the plan
14 for phased implementation, to the joint legislative task force on
15 sexual assault forensic examination best practices, the appropriate
16 committees of the legislature, and the governor no later than January
17 1, 2017.

18 (4) The Washington state patrol shall submit (~~(a semiannual)~~) an
19 annual report on the statewide sexual assault kit tracking system to
20 the (~~(joint legislative task force on)~~) sexual assault forensic
21 examination best practices advisory group, the appropriate committees
22 of the legislature, and the governor. The Washington state patrol may
23 publish the current report on its website. The (~~(first report is due~~
24 ~~July 31, 2018, and subsequent reports are)~~) annual report is due
25 (~~(January 31st and)~~) July 31st of each year. The report must include
26 the following:

27 (a) The total number of sexual assault kits in the system
28 statewide and by jurisdiction;

29 (b) The total and semiannual number of sexual assault kits where
30 forensic analysis has been completed statewide and by jurisdiction;

31 (c) The number of sexual assault kits added to the system in the
32 reporting period statewide and by jurisdiction;

33 (d) The total and semiannual number of sexual assault kits where
34 forensic analysis has been requested but not completed statewide and
35 by jurisdiction;

36 (e) The average and median length of time for sexual assault kits
37 to be submitted for forensic analysis after being added to the
38 system, including separate sets of data for all sexual assault kits
39 in the system statewide and by jurisdiction and for sexual assault

1 kits added to the system in the reporting period statewide and by
2 jurisdiction;

3 (f) The average and median length of time for forensic analysis
4 to be completed on sexual assault kits after being submitted for
5 analysis, including separate sets of data for all sexual assault kits
6 in the system statewide and by jurisdiction and for sexual assault
7 kits added to the system in the reporting period statewide and by
8 jurisdiction;

9 (g) The total and semiannual number of sexual assault kits
10 destroyed or removed from the system statewide and by jurisdiction;

11 (h) The total number of sexual assault kits, statewide and by
12 jurisdiction, where forensic analysis has not been completed and six
13 months or more have passed since those sexual assault kits were added
14 to the system; and

15 (i) The total number of sexual assault kits, statewide and by
16 jurisdiction, where forensic analysis has not been completed and one
17 year or more has passed since those sexual assault kits were added to
18 the system.

19 (5) For the purpose of reports under subsection (4) of this
20 section, a sexual assault kit must be assigned to the jurisdiction
21 associated with the law enforcement agency anticipated to receive the
22 sexual assault kit or otherwise having custody of the sexual assault
23 kit.

24 (6) Any public agency or entity, including its officials and
25 employees, and any hospital and its employees providing services to
26 victims of sexual assault may not be held civilly liable for damages
27 arising from any release of information or the failure to release
28 information related to the statewide sexual assault kit tracking
29 system, so long as the release was without gross negligence.

30 (7) The Washington state patrol shall adopt rules as necessary to
31 implement this section.

32 (8) For the purposes of this section:

33 (a) "Reported sexual assault kit" means a sexual assault kit
34 where a law enforcement agency has received a related report or
35 complaint alleging a sexual assault or other crime has occurred;

36 (b) "Sexual assault kit" includes all evidence collected during a
37 sexual assault medical forensic examination; and

38 (c) "Unreported sexual assault kit" means a sexual assault kit
39 where a law enforcement agency has not received a related report or
40 complaint alleging a sexual assault or other crime has occurred.

1 NEW SECTION. **Sec. 15.** A new section is added to chapter 70.02
2 RCW to read as follows:

3 A disclosure authorization to a health care provider or health
4 care facility authorizing disclosure of information to law
5 enforcement regarding a forensic examination performed for the
6 purposes of gathering evidence for possible prosecution of a criminal
7 offense must be valid until the end of all related criminal
8 proceedings or a later event selected by the provider, facility,
9 patient, or patient's representative, unless the patient or patient's
10 representative requests a different expiration date or event for the
11 disclosure authorization.

12 **PART IV**

13 **SERVICES AND SUPPORT FOR VICTIMS**

14 **Sec. 16.** RCW 7.68.380 and 2020 c 331 s 2 are each amended to
15 read as follows:

16 (1) Subject to the availability of amounts appropriated for this
17 specific purpose, the department of children, youth, and families
18 shall administer funding for ~~((two))~~ receiving center programs for
19 commercially sexually exploited children. ~~((One))~~ At least one of
20 these programs must be located west of the crest of the Cascade
21 mountains, and at least one of these programs must be located east of
22 the crest of the Cascade mountains. Law enforcement and service
23 providers may refer children to these programs or children may self-
24 refer into these programs.

25 ~~((The receiving center programs established under this~~
26 ~~section shall:~~

27 ~~(a) Begin providing services by January 1, 2021;~~

28 ~~(b) Utilize existing facilities and not require the construction~~
29 ~~of new facilities; and~~

30 ~~(c) Provide ongoing case management for all children who are~~
31 ~~being served or were served by the programs.~~

32 ~~(3))~~ The receiving centers established under this section shall:

33 (a) Include a short-term evaluation function that is accessible
34 twenty-four hours per day seven days per week that has the capacity
35 to evaluate the immediate needs of commercially sexually exploited
36 children ages twelve through seventeen and either meet those
37 immediate needs or refer those children to the appropriate services;

1 (b) Assess children for mental health and substance use disorder
2 needs and provide appropriate referrals as needed; ~~((and))~~

3 (c) Provide individual and group counseling focused on developing
4 and strengthening coping skills, and improving self-esteem and
5 dignity;

6 (d) Provide shelter and services within the receiving center for
7 up to 30 days; and

8 (e) Provide ongoing case management for all children who are
9 being served or were served by the programs.

10 ~~((4))~~ (3) The department of children, youth, and families
11 shall:

12 (a) Collect nonidentifiable demographic data of the children
13 served by the programs established under this section;

14 (b) Collect data regarding the locations that children exit to
15 after being served by the programs; and

16 (c) Report the data described in this subsection along with
17 recommendations for modification or expansion of these programs to
18 the relevant committees of the legislature by December 1, 2022.

19 ~~((5))~~ (4) For the purposes of this section, the following
20 definitions apply:

21 (a) "Receiving center" means a trauma-informed, secure location
22 that meets the multidisciplinary needs of commercially sexually
23 exploited children ages twelve through seventeen located in a
24 behavioral health agency licensed or certified under RCW 71.24.037 to
25 provide inpatient or residential treatment services; and

26 (b) "Short-term evaluation function" means a short-term emergency
27 shelter that is accessible twenty-four hours per day seven days per
28 week that has the capacity to evaluate the immediate needs of
29 commercially sexually exploited children under age eighteen and
30 either meet those immediate needs or refer those children to the
31 appropriate services.

32 ~~((6-a))~~ (5) The department of children, youth, and families,
33 the department of health, and the division of behavioral health and
34 recovery, shall meet to coordinate the implementation of receiving
35 centers as provided for in this section, including developing
36 eligibility criteria for serving commercially sexually exploited
37 children that allows referral from service providers and prioritizes
38 referral from law enforcement.

39 ~~((b) By December 1, 2020, and in compliance with RCW 43.01.036,~~
40 ~~the department of children, youth, and families shall submit a report~~

1 ~~to the governor and legislature summarizing the implementation plan~~
2 ~~and eligibility criteria as described in (a) of this subsection, and~~
3 ~~provide any additional policy recommendations regarding receiving~~
4 ~~centers as it deems necessary.))~~

5 NEW SECTION. **Sec. 17.** A new section is added to chapter 7.68
6 RCW to read as follows:

7 (1) Subject to the availability of amounts appropriated for this
8 specific purpose, the department shall establish a program for
9 counseling services for victims of sexual assault whose sexual
10 assault kits were in the statewide testing backlog.

11 (2) To be eligible for benefits under the program established in
12 this section, the victim of sexual assault must have undergone a
13 forensic examination prior to July 24, 2015, and the sexual assault
14 kit collected during the forensic examination must have been tested
15 on or after July 24, 2015. Any other eligibility requirements and
16 restrictions under this chapter do not apply for the purposes of the
17 program under this section.

18 (3) Any victim eligible for benefits under the program may
19 receive up to six counseling sessions in the 12 months following his
20 or her application for benefits. Fees for such counseling must be
21 determined by the department. Benefits under this program are not
22 subject to the requirements in RCW 7.68.130. Costs may be billed or
23 charged by the provider or facility to the department, and such costs
24 must be paid by the department pursuant to this chapter. Otherwise,
25 the department shall reimburse the victim for any costs charged
26 directly to him or her by the provider or facility.

27 (4) This section expires July 1, 2028.

28 **Sec. 18.** RCW 43.185C.260 and 2020 c 331 s 8 are each amended to
29 read as follows:

30 (1) A law enforcement officer shall take a child into custody:

31 (a) If a law enforcement agency has been contacted by the parent
32 of the child that the child is absent from parental custody without
33 consent; or

34 (b) If a law enforcement officer reasonably believes, considering
35 the child's age, the location, and the time of day, that a child is
36 in circumstances which constitute a danger to the child's safety or
37 that a child is violating a local curfew ordinance; or

1 (c) If an agency legally charged with the supervision of a child
2 has notified a law enforcement agency that the child has run away
3 from placement.

4 (2) Law enforcement custody shall not extend beyond the amount of
5 time reasonably necessary to transport the child to a destination
6 authorized by law and to place the child at that destination. Law
7 enforcement custody continues until the law enforcement officer
8 transfers custody to a person, agency, or other authorized entity
9 under this chapter, or releases the child because no placement is
10 available. Transfer of custody is not complete unless the person,
11 agency, or entity to whom the child is released agrees to accept
12 custody.

13 (3) If a law enforcement officer takes a child into custody
14 pursuant to either subsection (1)(a) or (b) of this section and
15 transports the child to a crisis residential center, the officer
16 shall, within twenty-four hours of delivering the child to the
17 center, provide to the center a written report detailing the reasons
18 the officer took the child into custody. The center shall provide the
19 department of children, youth, and families with a copy of the
20 officer's report if the youth is in the care of or receiving services
21 from the department of children, youth, and families.

22 (4) If the law enforcement officer who initially takes the
23 juvenile into custody or the staff of the crisis residential center
24 have reasonable cause to believe that the child is absent from home
25 because he or she is abused or neglected, a report shall be made
26 immediately to the department of children, youth, and families.

27 (5) Nothing in this section affects the authority of any
28 political subdivision to make regulations concerning the conduct of
29 minors in public places by ordinance or other local law.

30 (6) If a law enforcement officer has a reasonable suspicion that
31 a child is being unlawfully harbored in violation of RCW 13.32A.080,
32 the officer shall remove the child from the custody of the person
33 harboring the child and shall transport the child to one of the
34 locations specified in RCW 43.185C.265.

35 (7) If a law enforcement officer takes a juvenile into custody
36 pursuant to subsection (1)(b) of this section and reasonably believes
37 that the juvenile may be the victim of sexual exploitation, the
38 officer shall:

39 (a) Transport the child to:

1 (i) An evaluation and treatment facility as defined in RCW
2 71.34.020, including the receiving centers established in RCW
3 7.68.380, for purposes of evaluation for behavioral health treatment
4 authorized under chapter 71.34 RCW, including adolescent-initiated
5 treatment, family-initiated treatment, or involuntary treatment;
6 ((~~or~~))

7 (ii) Another appropriate youth-serving entity or organization
8 including, but not limited to:

9 (A) A HOPE Center as defined under RCW 43.185C.010;

10 (B) A foster family home as defined under RCW 74.15.020;

11 (C) A crisis residential center as defined under RCW 43.185C.010;

12 or

13 (D) A community-based program that has expertise working with
14 adolescents in crisis; or

15 (iii) A parent or legal guardian; or

16 (b) Coordinate transportation to one of the locations identified
17 in (a) of this subsection, with a liaison dedicated to serving
18 commercially sexually exploited children established under RCW
19 74.14B.070 or a community service provider.

20 (8) Law enforcement shall have the authority to take into
21 protective custody a child who is or is attempting to engage in
22 sexual conduct with another person for money or anything of value for
23 purposes of investigating the individual or individuals who may be
24 exploiting the child and deliver the child to an evaluation and
25 treatment facility as defined in RCW 71.34.020, including the
26 receiving centers established in RCW 7.68.380, for purposes of
27 evaluation for behavioral health treatment authorized under chapter
28 71.34 RCW, including adolescent-initiated treatment, family-initiated
29 treatment, or involuntary treatment.

30 (9) No child may be placed in a secure facility except as
31 provided in this chapter.

32 PART V

33 RIGHTS OF VICTIMS, SURVIVORS OF VICTIMS, AND WITNESSES OF CRIMES

34 **Sec. 19.** RCW 7.69.030 and 2022 c 229 s 1 are each amended to
35 read as follows:

36 (1) There shall be a reasonable effort made to ensure that
37 victims, survivors of victims, and witnesses of crimes have the
38 following rights, which apply to any ~~((criminal court and/or juvenile~~

1 ~~court proceeding~~) adult or juvenile criminal proceeding and any
2 civil commitment proceeding under chapter 10.77 or 71.09 RCW:

3 ((1)) (a) With respect to victims of violent or sex crimes, to
4 receive, at the time of reporting the crime to law enforcement
5 officials, a written statement of the rights of crime victims as
6 provided in this chapter. The written statement shall include the
7 name, address, and telephone number of a county or local crime
8 victim/witness program, if such a crime victim/witness program exists
9 in the county;

10 ((2)) (b) To be informed by local law enforcement agencies or
11 the prosecuting attorney of the final disposition of the case in
12 which the victim, survivor, or witness is involved;

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

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

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

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

26 ((7)) (g) To have any stolen or other personal property
27 expeditiously returned by law enforcement agencies or the superior
28 court when no longer needed as evidence. When feasible, all such
29 property, except weapons, currency, contraband, property subject to
30 evidentiary analysis, and property of which ownership is disputed,
31 shall be photographed and returned to the owner within ten days of
32 being taken;

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

39 ((9)) (i) To access to immediate medical assistance and not to
40 be detained for an unreasonable length of time by a law enforcement

1 agency before having such assistance administered. However, an
2 employee of the law enforcement agency may, if necessary, accompany
3 the person to a medical facility to question the person about the
4 criminal incident if the questioning does not hinder the
5 administration of medical assistance. Victims of domestic violence,
6 sexual assault, or stalking, as defined in RCW 49.76.020, shall be
7 notified of their right to reasonable leave from employment under
8 chapter 49.76 RCW;

9 ~~((10))~~ (j) With respect to victims of violent and sex crimes,
10 to have a crime victim advocate from a crime victim/witness program,
11 or any other support person of the victim's choosing, present at any
12 prosecutorial or defense interviews with the victim, and at any
13 judicial proceedings related to criminal acts committed against the
14 victim. This subsection applies if practical and if the presence of
15 the crime victim advocate or support person does not cause any
16 unnecessary delay in the investigation or prosecution of the case.
17 The role of the crime victim advocate is to provide emotional support
18 to the crime victim;

19 ~~((11))~~ (k) With respect to victims and survivors of victims, to
20 be physically present in court during trial, or if subpoenaed to
21 testify, to be scheduled as early as practical in the proceedings in
22 order to be physically present during trial after testifying and not
23 to be excluded solely because they have testified;

24 ~~((12))~~ (l) With respect to victims and survivors of victims in
25 any felony case ~~((13))~~, any case involving domestic violence, or any
26 final determination under chapter 10.77 or 71.09 RCW, to be informed
27 by the prosecuting attorney of the date, time, and place of the trial
28 and of the sentencing hearing or disposition hearing upon request by
29 a victim or survivor;

30 ~~((13))~~ (m) To submit a victim impact statement or report to the
31 court, with the assistance of the prosecuting attorney if requested,
32 which shall be included in all presentence reports and permanently
33 included in the files and records accompanying the offender committed
34 to the custody of a state agency or institution;

35 ~~((14))~~ (n) With respect to victims and survivors of victims in
36 any felony case or any case involving domestic violence, to present a
37 statement, personally or by representation, at the sentencing
38 hearing; and

39 ~~((15))~~ (o) With respect to victims and survivors of victims, to
40 entry of an order of restitution by the court in all felony cases,

1 even when the offender is sentenced to confinement, unless
2 extraordinary circumstances exist which make restitution
3 inappropriate in the court's judgment.

4 (2) If a victim, survivor of a victim, or witness of a crime is
5 denied a right enumerated in this section, he or she may seek an
6 order directing compliance by the relevant party or parties by filing
7 a petition in the superior court in the county in which the crime
8 occurred and providing notice of such petition to the relevant party
9 or parties. Compliance with the right is the sole available remedy.
10 The court shall expedite consideration of a petition filed under this
11 subsection.

12 **PART VI**
13 **MISCELLANEOUS**

14 NEW SECTION. **Sec. 20.** RCW 43.101.270 (Sexual assault—Training
15 for investigating and prosecuting) and 2015 c 286 s 2 & 1991 c 267 s
16 2 are each repealed.

17 NEW SECTION. **Sec. 21.** Section 10 of this act takes effect July
18 1, 2024.

--- END ---