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**SENATE BILL 5937**

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**State of Washington**

**68th Legislature**

**2024 Regular Session**

**By** Senator Dhingra

Prefiled 01/02/24.

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 7.68.020, 7.68.060, 7.68.066, 7.68.070,  
4 7.68.080, 7.68.094, 7.68.170, 7.68.803, 7.69.010, 7.69.030,  
5 9A.44.020, 9A.44.040, 70.02.220, and 70.24.110; reenacting and  
6 amending RCW 9A.04.080; adding a new section to chapter 7.68 RCW;  
7 adding new sections to chapter 9A.44 RCW; adding a new section to  
8 chapter 36.27 RCW; adding a new section to chapter 43.70 RCW; adding  
9 a new section to chapter 70.125 RCW; prescribing penalties; and  
10 providing an effective date.

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

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

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

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

19 (a) Approved by the state superintendent of public instruction,  
20 the state board of education, or the state board for community and  
21 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))~~) (5) of this section, no compensation of any kind shall be  
7 available under 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) ((No person or spouse, child, or dependent of such person is~~  
4 ~~eligible for benefits under this chapter where the person making a~~  
5 ~~claim for such benefits has refused to give reasonable cooperation to~~  
6 ~~state or local law enforcement agencies in their efforts to apprehend~~  
7 ~~and convict the perpetrator of the criminal act which gave rise to~~  
8 ~~the claim.~~

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

11 (a) Has been convicted of a felony offense within five years  
12 preceding the criminal act for which the victim is applying where the  
13 felony offense is a violent offense under RCW 9.94A.030 or a crime  
14 against persons under RCW 9.94A.411, or is convicted of such a felony  
15 offense after the criminal act for which the victim is applying; and

16 (b) Has not completely satisfied all legal financial obligations  
17 owed.

18 ~~((5))~~ (4) Because victims of childhood criminal acts may  
19 repress conscious memory of such criminal acts far beyond the age of  
20 eighteen, the rights of adult victims of childhood criminal acts  
21 shall accrue at the time the victim discovers or reasonably should  
22 have discovered the elements of the crime. In making determinations  
23 as to reasonable time limits, the department shall give greatest  
24 weight to the needs of the victim.

25 ~~((6))~~ (5)(a) Benefits under this chapter are available to any  
26 victim of a person against whom the state initiates proceedings under  
27 chapter 71.09 RCW. The right created under this subsection shall  
28 accrue when the victim is notified of proceedings under chapter 71.09  
29 RCW or the victim is interviewed, deposed, or testifies as a witness  
30 in connection with the proceedings. An application for benefits under  
31 this subsection must be received by the department within two years  
32 after the date the victim's right accrued unless the director  
33 determines that good cause exists to expand the time to receive the  
34 application. The director shall determine "good cause" on a case-by-  
35 case basis and may extend the period of time in which an application  
36 can be received for up to five years after the date the right of the  
37 victim accrued. Benefits under this subsection shall be limited to  
38 compensation for costs or losses incurred on or after the date the  
39 victim's right accrues for a claim allowed under this subsection.

1 (b) A person identified as the "minor" in the charge of  
2 commercial sexual abuse of a minor under RCW 9.68A.100, promoting  
3 commercial sexual abuse of a minor under RCW 9.68A.101, or promoting  
4 travel for commercial sexual abuse of a minor under RCW 9.68A.102 is  
5 considered a victim of a criminal act for the purpose of the right to  
6 benefits under this chapter even if the person is also charged with  
7 prostitution under RCW 9A.88.030.

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

10 (1) The department may require that the victim present himself or  
11 herself for a special medical examination by a physician or  
12 physicians selected by the department, and the department may require  
13 that the victim present himself or herself for a personal interview.  
14 The costs of the examination or interview, including payment of any  
15 reasonable round-trip travel expenses, shall be paid by the  
16 department as part of the victim's total claim under RCW 7.68.070(1).

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

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

25 **Sec. 4.** RCW 7.68.070 and 2020 c 308 s 3 are each amended to read  
26 as follows:

27 The eligibility for benefits under this chapter and the amount  
28 thereof will be governed insofar as is applicable by the provisions  
29 contained in this chapter.

30 (1) Each victim injured as a result of a criminal act, including  
31 criminal acts committed between July 1, 1981, and January 1, 1983, or  
32 the victim's family or beneficiary in case of death of the victim,  
33 are eligible for benefits in accordance with this chapter, subject to  
34 the limitations under RCW 7.68.015. Except for medical benefits  
35 authorized under RCW 7.68.080, no more than forty thousand dollars  
36 shall be granted as a result of a single injury or death.

1 (a) Benefits payable for temporary total disability that results  
2 in financial support for lost wages shall not exceed fifteen thousand  
3 dollars.

4 (b) Benefits payable for a permanent total disability or fatality  
5 that results in financial support for lost wages shall not exceed  
6 forty thousand dollars. After at least twelve monthly payments have  
7 been paid, the department shall have the sole discretion to make a  
8 final lump sum payment of the balance remaining.

9 (2) If the victim was not gainfully employed at the time of the  
10 criminal act, no financial support for lost wages will be paid to the  
11 victim or any beneficiaries, unless the victim was gainfully employed  
12 for a total of at least twelve weeks in the six months preceding the  
13 date of the criminal act.

14 (3) No victim or beneficiary shall receive compensation for or  
15 during the day on which the injury was received.

16 (4) If a victim's employer continues to pay the victim's wages  
17 that he or she was earning at the time of the crime, the victim shall  
18 not receive any financial support for lost wages.

19 (5) When the director determines that a temporary total  
20 disability results in a loss of wages, the victim shall receive  
21 monthly subject to subsection (1) of this section, during the period  
22 of disability, sixty percent of the victim's monthly wage but no more  
23 than one hundred percent of the state's average monthly wage as  
24 defined in RCW 7.68.020. The minimum monthly payment shall be no less  
25 than five hundred dollars. Monthly wages shall be based upon employer  
26 wage statements, employment security records, or documents reported  
27 to and certified by the internal revenue service. Monthly wages must  
28 be determined using the actual documented monthly wage or averaging  
29 the total wages earned for up to twelve successive calendar months  
30 preceding the injury. In cases where the victim's wages and hours are  
31 fixed, they shall be determined by multiplying the daily wage the  
32 victim was receiving at the time of the injury:

33 (a) By five, if the victim was normally employed one day a week;

34 (b) By nine, if the victim was normally employed two days a week;

35 (c) By thirteen, if the victim was normally employed three days a  
36 week;

37 (d) By eighteen, if the victim was normally employed four days a  
38 week;

39 (e) By twenty-two, if the victim was normally employed five days  
40 a week;



1 (f) By twenty-six, if the victim was normally employed six days a  
2 week; or

3 (g) By thirty, if the victim was normally employed seven days a  
4 week.

5 (6) When the director determines that a permanent total  
6 disability or death results in a loss of wages, the victim or  
7 eligible spouse shall receive the monthly payments established in  
8 this subsection, not to exceed forty thousand dollars or the limits  
9 established in this chapter.

10 (7)(a) The legal guardian or custodian of a minor victim shall  
11 receive up to thirty days of the legal guardian's or custodian's lost  
12 wages if the director determines that the legal guardian or custodian  
13 has lost wages due to any one or more of the following:

14 (i) The time where the legal guardian or custodian of a minor  
15 victim accompanies the minor victim to medical or counseling services  
16 related to the crime; or

17 (ii) The time where the legal guardian or custodian of a minor  
18 victim accompanies the minor victim to criminal justice proceedings  
19 related to the crime.

20 (b) Wages under this subsection shall be based on employer wage  
21 statements, employment security records, or documents reported to and  
22 certified by the internal revenue service.

23 (8) If the director determines that the victim is voluntarily  
24 retired and is no longer attached to the workforce, benefits shall  
25 not be paid under this section.

26 (9) In the case of death, if there is no eligible spouse,  
27 benefits shall be paid to the child or children of the deceased  
28 victim. If there is no spouse or children, no payments shall be made  
29 under this section. If the spouse remarries before this benefit is  
30 paid in full benefits shall be paid to the victim's child or children  
31 and the spouse shall not receive further payment. If there is no  
32 child or children no further payments will be made.

33 (10) The benefits for disposition of remains or burial expenses  
34 shall not exceed six thousand one hundred seventy dollars per claim.  
35 Beginning July 1, 2020, the department shall adjust the amount in  
36 this subsection (10) for inflation every three years based upon  
37 changes in the consumer price index during that time period. To  
38 receive reimbursement for expenses related to the disposition of  
39 remains or burial, the department must receive an itemized statement  
40 from a provider of services within twenty-four months of the date of

1 the claim allowance. If there is a delay in the recovery of remains  
2 or the release of remains for disposition or burial, an itemized  
3 statement from a provider of services must be received within twenty-  
4 four months of the date of the release of the remains or of the date  
5 of the claim allowance, whichever is later.

6 (11) Any person who is responsible for the victim's injuries, or  
7 who would otherwise be unjustly enriched as a result of the victim's  
8 injuries, shall not be a beneficiary under this chapter.

9 (12) Crime victims' compensation is not available to pay for  
10 services covered under chapter 74.09 RCW or Title XIX of the federal  
11 social security act.

12 (13) A victim whose crime occurred in another state who qualifies  
13 for benefits under RCW 7.68.060(~~((6))~~) (5) may receive appropriate  
14 mental health counseling to address distress arising from  
15 participation in the civil commitment proceedings. Fees for  
16 counseling shall be determined by the department in accordance with  
17 RCW 51.04.030, subject to the limitations of RCW 7.68.080.

18 (14) If the provisions of this title relative to compensation for  
19 injuries to or death of victims become invalid because of any  
20 adjudication, or are repealed, the period intervening between the  
21 occurrence of an injury or death, not previously compensated for  
22 under this title by lump payment or completed monthly payments, and  
23 such repeal or the rendition of the final adjudication of invalidity  
24 shall not be computed as a part of the time limited by law for the  
25 commencement of any action relating to such injury or death.

26 (15) The benefits established in RCW 51.32.080 for permanent  
27 partial disability will not be provided to any crime victim or for  
28 any claim submitted on or after July 1, 2011.

29 **Sec. 5.** RCW 7.68.080 and 2023 c 152 s 1 are each amended to read  
30 as follows:

31 (1) When the injury to any victim is so serious as to require the  
32 victim's being taken from the place of injury to a place of  
33 treatment, reasonable round-trip transportation costs to and from the  
34 nearest place of proper treatment shall be reimbursed by the  
35 department as part of the victim's total claim under RCW 7.68.070(1).

36 (2) In the case of alleged rape or molestation of a child, the  
37 reasonable costs of a colposcopy examination shall be reimbursed by  
38 the department. Costs for a colposcopy examination given under this

1 subsection shall not be included as part of the victim's total claim  
2 under RCW 7.68.070(1).

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

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

31 (5) Victims of sexual assault are eligible to receive appropriate  
32 counseling. Fees for such counseling shall be determined by the  
33 department. Counseling services may include, if determined  
34 appropriate by the department, counseling of members of the victim's  
35 immediate family, other than the perpetrator of the assault.

36 (6)(a) Immediate family members of a homicide victim may receive  
37 appropriate counseling to assist in dealing with the immediate,  
38 near-term consequences of the related effects of the homicide. Except  
39 as provided in (b) of this subsection, up to 12 counseling sessions  
40 may be received after the crime victim's claim has been allowed. Fees

1 for counseling shall be determined by the department in accordance  
2 with and subject to this section. Payment of counseling benefits  
3 under this section may not be provided to the perpetrator of the  
4 homicide. The benefits under this subsection may be provided only  
5 with respect to homicides committed on or after July 1, 1992.

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

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

11 (ii) The recipient of the counseling would benefit from  
12 additional sessions.

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

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

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

32 (a) Examine all records, or portions thereof, including patient  
33 records, for which services were rendered by a health care provider  
34 and reimbursed by the department, notwithstanding the provisions of  
35 any other statute which may make or purport to make such records  
36 privileged or confidential, except that no original patient records  
37 shall be removed from the premises of the health care provider, and  
38 that the disclosure of any records or information obtained under  
39 authority of this section by the department is prohibited and  
40 constitutes a violation of RCW 42.52.050, unless such disclosure is

1 directly connected to the official duties of the department. The  
2 disclosure of patient information as required under this section  
3 shall not subject any physician, licensed advanced registered nurse  
4 practitioner, or other health care provider to any liability for  
5 breach of any confidential relationships between the provider and the  
6 patient. The director or the director's authorized representative  
7 shall destroy all copies of patient medical records in their  
8 possession upon completion of the audit, investigation, or  
9 proceedings;

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

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

14 (d) Pursue collection of unpaid overpayments and/or penalties  
15 plus interest accrued from health care providers pursuant to RCW  
16 51.32.240(6).

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

21 **Sec. 6.** RCW 7.68.094 and 2011 c 346 s 506 are each amended to  
22 read as follows:

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

32 (2) If the victim refuses to submit to medical examination, or  
33 obstructs the same, or, if any injured victim shall persist in  
34 unsanitary or injurious practices which tend to imperil or retard his  
35 or her recovery, or shall refuse to submit to such medical or  
36 surgical treatment as is reasonably essential to his or her recovery  
37 does not cooperate in reasonable efforts at such rehabilitation, the  
38 department may suspend any further action on any claim of such victim  
39 so long as such refusal, obstruction, noncooperation, or practice

1 continues and thus, the department may reduce, suspend, or deny any  
2 compensation for such period. The department may not suspend any  
3 further action on any claim of a victim or reduce, suspend, or deny  
4 any compensation if a victim has good cause for refusing to submit to  
5 or to obstruct any examination, evaluation, treatment, or practice  
6 requested by the department or required under this section.

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

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

16 **Sec. 7.** RCW 7.68.170 and 1979 ex.s. c 219 s 11 are each amended  
17 to read as follows:

18 No costs incurred by a hospital or other emergency medical  
19 facility for the examination of the victim of a sexual assault,  
20 whether such assault occurred in or outside the state of Washington,  
21 when such examination is performed for the purposes of gathering  
22 evidence for possible prosecution, shall be billed or charged  
23 directly or indirectly to the victim of such assault. Such costs  
24 shall be paid by the state pursuant to this chapter.

25 **Sec. 8.** RCW 7.68.803 and 2023 c 108 s 1 are each amended to read  
26 as follows:

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

35 (2) The department must notify the office of financial management  
36 and the fiscal committees of the legislature if it projects that the  
37 cost of services provided under this section exceeds the amount of

1 funding provided by the legislature solely for the purposes of this  
2 section.

3 NEW SECTION. **Sec. 9.** A new section is added to chapter 7.68 RCW  
4 to read as follows:

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

8 (2) (a) The director shall enter into an agreement with any other  
9 state for reimbursement to the crime victims' compensation fund if a  
10 nonresident of the state of Washington who is a victim of a sexual  
11 assault that occurred in another state receives an examination in  
12 this state pursuant to RCW 7.68.170.

13 (b) The department shall promptly make a report to the other  
14 state showing any costs incurred by a hospital or other emergency  
15 medical facility paid by this state pursuant to (a) of this  
16 subsection.

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

20 **Sec. 10.** RCW 7.69.010 and 1985 c 443 s 1 are each amended to  
21 read as follows:

22 In recognition of the severe and detrimental impact of crime on  
23 victims, survivors of victims, and witnesses of crime and the civic  
24 and moral duty of victims, survivors of victims, and witnesses of  
25 crimes to fully and voluntarily cooperate with law enforcement and  
26 prosecutorial agencies, and in further recognition of the continuing  
27 importance of such citizen cooperation to state and local law  
28 enforcement efforts and the general effectiveness and well-being of  
29 the criminal justice system of this state, the legislature declares  
30 its intent, in this chapter, to grant to the victims of crime and the  
31 survivors of such victims a significant role, including enhanced  
32 accessibility, in the criminal justice system. The legislature  
33 further intends to ensure that all victims and witnesses of crime are  
34 treated with dignity, respect, courtesy, and sensitivity; ensure that  
35 all victims and witnesses are afforded access to justice to  
36 participate in criminal justice proceedings, including the  
37 opportunity to participate and attend court hearings in person or  
38 remotely, including by video or other electronic means; and that the

1 rights extended in this chapter to victims, survivors of victims, and  
2 witnesses of crime are honored (~~and~~), protected, and upheld by law  
3 enforcement agencies, prosecutors, and judges in a manner no less  
4 vigorous than the protections afforded criminal defendants.

5 **Sec. 11.** RCW 7.69.030 and 2023 c 197 s 11 are each amended to  
6 read as follows:

7 (1) There shall be a reasonable effort made to ensure that  
8 victims, survivors of victims, and witnesses of crimes have the  
9 following rights, which apply to any adult or juvenile criminal  
10 proceeding and any civil commitment proceeding under chapter 10.77 or  
11 71.09 RCW:

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

18 (b) To be informed, by local law enforcement agencies or the  
19 prosecuting attorney, that charges have been filed, and of the final  
20 disposition of the case, in which the victim, survivor, or witness is  
21 involved;

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

25 (d) To receive protection from harm and threats of harm arising  
26 out of cooperation with law enforcement and prosecution efforts, and  
27 to be provided with information as to the level of protection  
28 available;

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

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

34 (g) To have any stolen or other personal property expeditiously  
35 returned by law enforcement agencies or the superior court when no  
36 longer needed as evidence. When feasible, all such property, except  
37 weapons, currency, contraband, property subject to evidentiary  
38 analysis, and property of which ownership is disputed, shall be



1 photographed and returned to the owner within ten days of being  
2 taken;

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

9 (i) To have access to immediate medical assistance and not to be  
10 detained for an unreasonable length of time by a law enforcement  
11 agency before having such assistance administered. However, an  
12 employee of the law enforcement agency may, if necessary, accompany  
13 the person to a medical facility to question the person about the  
14 criminal incident if the questioning does not hinder the  
15 administration of medical assistance. Victims of domestic violence,  
16 sexual assault, or stalking, as defined in RCW 49.76.020, shall be  
17 notified of their right to reasonable leave from employment under  
18 chapter 49.76 RCW;

19 (j) With respect to victims of violent and sex crimes, to have a  
20 crime victim advocate from a crime victim/witness program, or any  
21 other support person of the victim's choosing, present at any  
22 prosecutorial or defense interviews with the victim, and at any  
23 judicial proceedings related to criminal acts committed against the  
24 victim. This subsection applies if practical and if the presence of  
25 the crime victim advocate or support person does not cause any  
26 unnecessary delay in the investigation or prosecution of the case.  
27 The role of the crime victim advocate is to provide emotional support  
28 to the crime victim;

29 (k) With respect to victims and survivors of victims, may attend  
30 court proceedings or required interviews in person or remotely,  
31 including by video or other electronic means, to ensure access to  
32 justice to participate in criminal justice proceedings. Remote access  
33 is not to circumvent a victim's or survivor of a victim's right to be  
34 physically present in court during trial, or if subpoenaed to  
35 testify, to be scheduled as early as practical in the proceedings in  
36 order to be physically present during trial after testifying and not  
37 to be excluded solely because they have testified;

38 (l) With respect to victims and survivors of victims in any  
39 felony case, any case involving domestic violence, or any final  
40 determination under chapter 10.77 or 71.09 RCW, to be informed by the

1 prosecuting attorney of the date, time, and place of the trial and of  
2 the sentencing hearing or disposition hearing upon request by a  
3 victim or survivor;

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

9 (n) With respect to victims and survivors of victims in any  
10 felony case or any case involving domestic violence, to present a  
11 statement, personally or by representation, at the sentencing  
12 hearing; and

13 (o) With respect to victims and survivors of victims, to entry of  
14 an order of restitution by the court in all felony cases, even when  
15 the offender is sentenced to confinement, unless extraordinary  
16 circumstances exist which make restitution inappropriate in the  
17 court's judgment.

18 (2) If a victim, survivor of a victim, or witness of a crime is  
19 denied a right under this section, the person may seek an order  
20 directing compliance by the relevant party or parties by filing a  
21 petition in the superior court in the county in which the crime  
22 occurred and providing notice of the petition to the relevant party  
23 or parties. Compliance with the right is the sole available remedy.  
24 The court shall expedite consideration of a petition filed under this  
25 subsection. The administrative office of the courts shall create a  
26 universal petition directing compliance with this section.

27 **Sec. 12.** RCW 9A.04.080 and 2023 c 197 s 8 and 2023 c 122 s 8 are  
28 each reenacted and amended to read as follows:

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

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

33 (i) Murder;

34 (ii) Homicide by abuse;

35 (iii) Arson if a death results;

36 (iv) Vehicular homicide;

37 (v) Vehicular assault if a death results;

38 (vi) Hit-and-run injury-accident if a death results (RCW  
39 46.52.020(4));

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

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

5 (ix) Rape of a child in the first degree (RCW 9A.44.073);  
6 (x) Rape of a child in the second degree (RCW 9A.44.076);  
7 (xi) Rape of a child in the third degree (RCW 9A.44.079);  
8 (xii) Sexual misconduct with a minor in the first degree (RCW  
9 9A.44.093);

10 (xiii) Custodial sexual misconduct in the first degree (RCW  
11 9A.44.160);

12 (xiv) Child molestation in the first degree (RCW 9A.44.083);  
13 (xv) Child molestation in the second degree (RCW 9A.44.086);  
14 (xvi) Child molestation in the third degree (RCW 9A.44.089);  
15 ((and))

16 (xvii) Sexual exploitation of a minor (RCW 9.68A.040);  
17 (xviii) Rape in the first degree (RCW 9A.44.040) if the  
18 perpetrator is a first responder as defined in RCW 70.54.430 and if  
19 the first responder used the first responder's position to facilitate  
20 the commission of the offense;

21 (xix) Rape in the second degree (RCW 9A.44.050) if the  
22 perpetrator is a first responder as defined in RCW 70.54.430 and if  
23 the first responder used the first responder's position to facilitate  
24 the commission of the offense; and

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

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

32 (i) Rape in the first degree (RCW 9A.44.040);  
33 (ii) Rape in the second degree (RCW 9A.44.050); or  
34 (iii) Indecent liberties (RCW 9A.44.100).

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

37 (i) Any felony committed by a public officer if the commission is  
38 in connection with the duties of his or her office or constitutes a  
39 breach of his or her public duty or a violation of the oath of  
40 office;

1 (ii) Arson if no death results;  
2 (iii) Rape in the third degree (RCW 9A.44.060);  
3 (iv) Attempted murder; or  
4 (v) Trafficking under RCW 9A.40.100.  
5 (d) A violation of any offense listed in this subsection (1)(d)  
6 may be prosecuted up to ten years after its commission or, if  
7 committed against a victim under the age of eighteen, up to the  
8 victim's thirtieth birthday, whichever is later:  
9 (i) RCW 9.68A.100 (commercial sexual abuse of a minor);  
10 (ii) RCW 9.68A.101 (promoting commercial sexual abuse of a  
11 minor);  
12 (iii) RCW 9.68A.102 (promoting travel for commercial sexual abuse  
13 of a minor); or  
14 (iv) RCW 9A.64.020 (incest).  
15 (e) A violation of RCW 9A.36.170 may be prosecuted up to 10 years  
16 after its commission, or if committed against a victim under the age  
17 of 18, up to the victim's 28th birthday, whichever is later.  
18 (f) The following offenses may not be prosecuted more than six  
19 years after its commission or discovery, whichever occurs later:  
20 (i) Violations of RCW 9A.82.060 or 9A.82.080;  
21 (ii) Any felony violation of chapter 9A.83 RCW;  
22 (iii) Any felony violation of chapter 9.35 RCW;  
23 (iv) Theft in the first or second degree under chapter 9A.56 RCW  
24 when accomplished by color or aid of deception;  
25 (v) Theft from a vulnerable adult under RCW 9A.56.400;  
26 (vi) Trafficking in stolen property in the first or second degree  
27 under chapter 9A.82 RCW in which the stolen property is a motor  
28 vehicle or major component part of a motor vehicle as defined in RCW  
29 46.80.010; or  
30 (vii) Violations of RCW 82.32.290 (2)(a)(iii) or (4).  
31 (g) The following offenses may not be prosecuted more than five  
32 years after its commission: Any class C felony under chapter 74.09,  
33 82.36, or 82.38 RCW.  
34 (h) Bigamy may not be prosecuted more than three years after the  
35 time specified in RCW 9A.64.010.  
36 (i) A violation of RCW 9A.56.030 may not be prosecuted more than  
37 three years after the discovery of the offense when the victim is a  
38 tax exempt corporation under 26 U.S.C. Sec. 501(c)(3).  
39 (j) No other felony may be prosecuted more than three years after  
40 its commission; except that in a prosecution under RCW 9A.44.115, if

1 the person who was viewed, photographed, or filmed did not realize at  
2 the time that he or she was being viewed, photographed, or filmed,  
3 the prosecution must be commenced within two years of the time the  
4 person who was viewed or in the photograph or film first learns that  
5 he or she was viewed, photographed, or filmed.

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

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

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

14 (3) In any prosecution for a sex offense as defined in RCW  
15 9.94A.030, the periods of limitation prescribed in subsection (1) of  
16 this section run from the date of commission or four years from the  
17 date on which the identity of the suspect is conclusively established  
18 by deoxyribonucleic acid testing or by photograph as defined in RCW  
19 9.68A.011, whichever is later.

20 (4) If, before the end of a period of limitation prescribed in  
21 subsection (1) of this section, an indictment has been found or a  
22 complaint or an information has been filed, and the indictment,  
23 complaint, or information is set aside, then the period of limitation  
24 is extended by a period equal to the length of time from the finding  
25 or filing to the setting aside.

26 **Sec. 13.** RCW 9A.44.020 and 2023 c 197 s 10 are each amended to  
27 read as follows:

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

31 (2) Evidence of the victim's past sexual behavior including but  
32 not limited to the victim's marital history; divorce history; general  
33 reputation for promiscuity, nonchastity, or sexual mores contrary to  
34 community standards; or, unless it is related to the alleged offense,  
35 social media account, including any text, image, video, or picture,  
36 which depict sexual content, sexual history, nudity or partial  
37 nudity, intimate sexual activity, communications about sexual  
38 activity, communications about sex, sexual fantasies, and other  
39 information that appeals to a prurient interest is inadmissible on

1 the issue of credibility and is inadmissible to prove the victim's  
2 consent except as provided in subsection (3) of this section, but  
3 when the perpetrator and the victim have engaged in sexual  
4 intercourse with each other in the past, and when the past behavior  
5 is material to the issue of consent, evidence concerning the past  
6 behavior between the perpetrator and the victim may be admissible on  
7 the issue of consent to the offense.

8 (3) In any prosecution for the crime of rape, trafficking  
9 pursuant to RCW 9A.40.100, or any of the offenses in chapter 9.68A  
10 RCW, or for an attempt to commit, or an assault with an intent to  
11 commit any such crime evidence of the victim's past sexual behavior  
12 including but not limited to the victim's marital behavior; divorce  
13 history; general reputation for promiscuity, nonchastity, or sexual  
14 mores contrary to community standards; or, unless it is related to  
15 the alleged offense, social media account, including any text, image,  
16 video, or picture, which depict sexual content, sexual history,  
17 nudity or partial nudity, intimate sexual activity, communications  
18 about sexual activity, communications about sex, sexual fantasies,  
19 and other information that appeals to a prurient interest is not  
20 admissible if offered to attack the credibility of the victim and is  
21 admissible on the issue of consent, except where prohibited in the  
22 underlying criminal offense, only pursuant to the following  
23 procedure:

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

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

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

36 (d) At the conclusion of the hearing, if the court finds that the  
37 evidence proposed to be offered by the defendant regarding the past  
38 sexual behavior of the victim is relevant to the issue of the  
39 victim's consent; is not inadmissible because its probative value is  
40 substantially outweighed by the probability that its admission will

1 create a substantial danger of undue prejudice; and that its  
2 exclusion would result in denial of substantial justice to the  
3 defendant; the court shall make an order stating what evidence may be  
4 introduced by the defendant, which order may include the nature of  
5 the questions to be permitted. The defendant may then offer evidence  
6 pursuant to the order of the court.

7 (e) The victim, the victim's attorney, a lawful representative of  
8 the victim, or the prosecutor upon request of the victim, may assert  
9 and seek enforcement of the procedures under this section.

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

16 **Sec. 14.** RCW 9A.44.040 and 1998 c 242 s 1 are each amended to  
17 read as follows:

18 (1) A person is guilty of rape in the first degree when such  
19 person engages in sexual intercourse with another person ~~((by))~~:

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

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

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

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

26 ~~((d))~~ (iv) Feloniously enters into the building or vehicle  
27 where the victim is situated; or

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

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

34 (ii) Knowingly furnishing any food, drink, medicine, other edible  
35 substance, or vapor product containing a substance to the victim,  
36 with intent to make physically helpless or mentally incapacitate  
37 another person.

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

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

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

5       (1) In a criminal proceeding, a depiction of a victim or a  
6 victim's genitals that was created during a sexual assault medical  
7 forensic examination, regardless of its format:

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

9       (b) Must be filed as a confidential document within the court  
10 file.

11       (2) An expert witness in a criminal proceeding may inspect, view,  
12 examine, and provide testimony on a depiction of a victim or a  
13 victim's genitals that was created during a sexual assault medical  
14 forensic examination.

15       NEW SECTION. Sec. 16. A new section is added to chapter 9A.44  
16 RCW to read as follows:

17       (1) Whenever a depiction of a victim or a victim's genitals that  
18 was created during a sexual assault medical forensic examination,  
19 regardless of its format, is marked as an exhibit in a criminal  
20 proceeding, the prosecutor shall seek an order sealing the exhibit at  
21 the close of the trial. Any exhibits sealed under this section shall  
22 be sealed with evidence tape in a manner that prevents access to, or  
23 viewing of, the depiction of a victim or a victim's genitals that was  
24 created during a sexual assault medical forensic examination and  
25 shall be labeled so as to identify its contents. Anyone seeking to  
26 view such an exhibit must obtain permission from the superior court  
27 after providing at least 10 days' notice to the prosecuting attorney.  
28 Appellate attorneys for the defendant and the state shall be given  
29 access to the exhibit, which must remain in the care and custody of  
30 either a law enforcement agency or the court. Any other person moving  
31 to view such an exhibit must demonstrate to the court that the  
32 person's reason for viewing the exhibit is of sufficient importance  
33 to justify another violation of the victim's privacy.

34       (2) Whenever the clerk of the court receives an exhibit of a  
35 depiction of a victim or a victim's genitals that was created during  
36 a sexual assault medical forensic examination, the clerk shall store  
37 the exhibit in a secure location, such as a safe. The clerk may  
38 arrange for the transfer of such exhibits to a law enforcement agency



1 evidence room for safekeeping provided the agency agrees not to  
2 destroy or dispose of the exhibits without an order of the court.

3 (3) If the criminal proceeding ends in a conviction, the clerk of  
4 the court shall destroy any exhibit containing a depiction of a  
5 victim or a victim's genitals that was created during a sexual  
6 assault medical forensic examination five years after the judgment is  
7 final, as determined by the provisions of RCW 10.73.090(3). Before  
8 any destruction, the clerk shall contact the prosecuting attorney and  
9 verify that there is no collateral attack on the judgment pending in  
10 any court. If the criminal proceeding ends in a mistrial, the clerk  
11 shall either maintain the exhibit or return it to the law enforcement  
12 agency that investigated the criminal charges for safekeeping until  
13 the matter is set for retrial. If the criminal proceeding ends in an  
14 acquittal, the clerk shall return the exhibit to the law enforcement  
15 agency that investigated the criminal charges for either safekeeping  
16 or destruction.

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

19 (1) The prosecuting attorney of each county in the state of  
20 Washington must coordinate the establishment of a multidisciplinary  
21 team to address adult sexual assault or coordinate with other local  
22 jurisdictions to ensure that resources are available to adult victims  
23 of sexual assault.

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

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

- 30 (a) The sheriff of the county or the sheriff's designee;
- 31 (b) One member representing survivors of sexual assault;
- 32 (c) One member who is a sexual assault nurse examiner;
- 33 (d) One member who is a community-based advocate;
- 34 (e) One member from a local hospital or other emergency medical  
35 facilities; and

36 (f) In the discretion of the prosecuting attorney, any other  
37 person who would advance the purpose of the multidisciplinary team.

1        NEW SECTION.    **Sec. 18.**    A new section is added to chapter 43.70

2    RCW to read as follows:

3        (1) Subject to the availability of amounts appropriated for this  
4    specific purpose, the role of statewide forensic nurse coordinator is  
5    hereby created at the department of health.

6        (2) The statewide forensic nurse coordinator shall:

7        (a) Provide technical assistance to adult, adolescent, and  
8    pediatric sexual assault nurse examiner programs and forensic nurse  
9    examiner programs across the state;

10       (b) Identify and alleviate barriers faced by hospitals relating  
11   to creating, maintaining, or operating adult adolescent, or pediatric  
12   sexual assault nurse examiner programs or forensic nurse examiner  
13   programs;

14       (c) Conduct a statewide needs assessment of adult, adolescent,  
15   and pediatric sexual assault nurse examiner programs and forensic  
16   nurse examiner programs;

17       (d) Provide and maintain centralized resources for adult,  
18   adolescent, and pediatric sexual assault nurse examiners and forensic  
19   nurse examiners;

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

22       (f) Develop and update standards of care for forensic exams and  
23   documentation;

24       (g) Assess and maintain standards for forensic nurse training  
25   curriculum for ongoing and didactic training, including  
26   preceptorship, by:

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

29       (ii) Providing information on trauma-informed and cultural  
30   competency standards; and

31       (iii) Facilitating surveys and other mechanisms to provide  
32   forensic exam patients the ability to give feedback on the patients'  
33   experiences that can be used to enhance forensic nurse training  
34   standards;

35       (h) Coordinate statewide forensic nurse trainings;

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

38       (j) Develop plans to ensure statewide coverage and availability  
39   of adult, adolescent, and pediatric sexual assault nurse examiners  
40   and forensic nurse examiners;

1 (k) Maintain and collect data on the availability of adult,  
2 adolescent, and pediatric sexual assault nurse examiners and forensic  
3 nurse examiners;

4 (l) Coordinate with victim advocacy services;

5 (m) Provide organizational and capacity building support to  
6 adult, adolescent, and pediatric sexual assault nurse examiner  
7 programs and forensic nurse examiner programs; and

8 (n) Develop and maintain a statewide toll-free information and  
9 referral hotline for victims of sexual assault.

10 **Sec. 19.** RCW 70.02.220 and 2021 c 270 s 5 are each amended to  
11 read as follows:

12 (1) No person may disclose or be compelled to disclose the  
13 identity of any person who has investigated, considered, or requested  
14 a test or treatment for a sexually transmitted disease, except as  
15 authorized by this section, RCW 70.02.210, or chapter 70.24 RCW.

16 (2) No person may disclose or be compelled to disclose  
17 information and records related to sexually transmitted diseases,  
18 except as authorized by this section, RCW 70.02.210, 70.02.205, or  
19 chapter 70.24 RCW. A person may disclose information related to  
20 sexually transmitted diseases about a patient without the patient's  
21 authorization, to the extent a recipient needs to know the  
22 information, if the disclosure is to:

23 (a) The subject of the test or the subject's legal representative  
24 for health care decisions in accordance with RCW 7.70.065, with the  
25 exception of such a representative of a minor (~~fourteen~~) 13 years  
26 of age or over and otherwise capable of making health care decisions;

27 (b) The state health officer as defined in RCW 70.24.017, a local  
28 public health officer, or the centers for disease control of the  
29 United States public health service in accordance with reporting  
30 requirements for a diagnosed case of a sexually transmitted disease;

31 (c) A health facility or health care provider that procures,  
32 processes, distributes, or uses: (i) A human body part, tissue, or  
33 blood from a deceased person with respect to medical information  
34 regarding that person; (ii) semen, including that was provided prior  
35 to March 23, 1988, for the purpose of artificial insemination; or  
36 (iii) blood specimens;

37 (d) Any state or local public health officer conducting an  
38 investigation pursuant to RCW 70.24.024, so long as the record was

1 obtained by means of court-ordered HIV testing pursuant to RCW  
2 70.24.340 or 70.24.024;

3 (e) A person allowed access to the record by a court order  
4 granted after application showing good cause therefor. In assessing  
5 good cause, the court shall weigh the public interest and the need  
6 for disclosure against the injury to the patient, to the physician-  
7 patient relationship, and to the treatment services. Upon the  
8 granting of the order, the court, in determining the extent to which  
9 any disclosure of all or any part of the record of any such test is  
10 necessary, shall impose appropriate safeguards against unauthorized  
11 disclosure. An order authorizing disclosure must: (i) Limit  
12 disclosure to those parts of the patient's record deemed essential to  
13 fulfill the objective for which the order was granted; (ii) limit  
14 disclosure to those persons whose need for information is the basis  
15 for the order; and (iii) include any other appropriate measures to  
16 keep disclosure to a minimum for the protection of the patient, the  
17 physician-patient relationship, and the treatment services;

18 (f) Persons who, because of their behavioral interaction with the  
19 infected individual, have been placed at risk for acquisition of a  
20 sexually transmitted disease, as provided in RCW 70.24.022, if the  
21 health officer or authorized representative believes that the exposed  
22 person was unaware that a risk of disease exposure existed and that  
23 the disclosure of the identity of the infected person is necessary;

24 (g) A law enforcement officer, firefighter, health care provider,  
25 health care facility staff person, department of correction's staff  
26 person, jail staff person, or other persons as defined by the board  
27 of health in rule pursuant to RCW 70.24.340, who has requested a test  
28 of a person whose bodily fluids he or she has been substantially  
29 exposed to, pursuant to RCW 70.24.340, if a state or local public  
30 health officer performs the test;

31 (h) Claims management personnel employed by or associated with an  
32 insurer, health care service contractor, health maintenance  
33 organization, self-funded health plan, state administered health care  
34 claims payer, or any other payer of health care claims where such  
35 disclosure is to be used solely for the prompt and accurate  
36 evaluation and payment of medical or related claims. Information  
37 released under this subsection must be confidential and may not be  
38 released or available to persons who are not involved in handling or  
39 determining medical claims payment; and

1 (i) A department of children, youth, and families worker, a  
2 child-placing agency worker, or a guardian ad litem who is  
3 responsible for making or reviewing placement or case-planning  
4 decisions or recommendations to the court regarding a child, who is  
5 less than fourteen years of age, has a sexually transmitted disease,  
6 and is in the custody of the department of children, youth, and  
7 families or a licensed child-placing agency. This information may  
8 also be received by a person responsible for providing residential  
9 care for such a child when the department of social and health  
10 services, the department of children, youth, and families, or a  
11 licensed child-placing agency determines that it is necessary for the  
12 provision of child care services.

13 (3) No person to whom the results of a test for a sexually  
14 transmitted disease have been disclosed pursuant to subsection (2) of  
15 this section may disclose the test results to another person except  
16 as authorized by that subsection.

17 (4) The release of sexually transmitted disease information  
18 regarding an offender or detained person, except as provided in  
19 subsection (2)(d) of this section, is governed as follows:

20 (a) The sexually transmitted disease status of a department of  
21 corrections offender who has had a mandatory test conducted pursuant  
22 to RCW 70.24.340(~~((1))~~), 70.24.360, or 70.24.370 must be made  
23 available by department of corrections health care providers and  
24 local public health officers to the department of corrections health  
25 care administrator or infection control coordinator of the facility  
26 in which the offender is housed. The information made available to  
27 the health care administrator or the infection control coordinator  
28 under this subsection (4)(a) may be used only for disease prevention  
29 or control and for protection of the safety and security of the  
30 staff, offenders, and the public. The information may be submitted to  
31 transporting officers and receiving facilities, including facilities  
32 that are not under the department of corrections' jurisdiction  
33 according to the provisions of (d) and (e) of this subsection.

34 (b) The sexually transmitted disease status of a person detained  
35 in a jail who has had a mandatory test conducted pursuant to RCW  
36 70.24.340(~~((1))~~), 70.24.360, or 70.24.370 must be made available by  
37 the local public health officer to a jail health care administrator  
38 or infection control coordinator. The information made available to a  
39 health care administrator under this subsection (4)(b) may be used  
40 only for disease prevention or control and for protection of the

1 safety and security of the staff, offenders, detainees, and the  
2 public. The information may be submitted to transporting officers and  
3 receiving facilities according to the provisions of (d) and (e) of  
4 this subsection.

5 (c) Information regarding the sexually transmitted disease status  
6 of an offender or detained person is confidential and may be  
7 disclosed by a correctional health care administrator or infection  
8 control coordinator or local jail health care administrator or  
9 infection control coordinator only as necessary for disease  
10 prevention or control and for protection of the safety and security  
11 of the staff, offenders, and the public. Unauthorized disclosure of  
12 this information to any person may result in disciplinary action, in  
13 addition to the penalties prescribed in RCW 70.24.080 or any other  
14 penalties as may be prescribed by law.

15 (d) Notwithstanding the limitations on disclosure contained in  
16 (a), (b), and (c) of this subsection, whenever any member of a jail  
17 staff or department of corrections staff has been substantially  
18 exposed to the bodily fluids of an offender or detained person, then  
19 the results of any tests conducted pursuant to RCW 70.24.340(~~((+1))~~),  
20 70.24.360, or 70.24.370, must be immediately disclosed to the staff  
21 person in accordance with the Washington Administrative Code rules  
22 governing employees' occupational exposure to blood-borne pathogens.  
23 Disclosure must be accompanied by appropriate counseling for the  
24 staff member, including information regarding follow-up testing and  
25 treatment. Disclosure must also include notice that subsequent  
26 disclosure of the information in violation of this chapter or use of  
27 the information to harass or discriminate against the offender or  
28 detainee may result in disciplinary action, in addition to the  
29 penalties prescribed in RCW 70.24.080, and imposition of other  
30 penalties prescribed by law.

31 (e) The staff member must also be informed whether the offender  
32 or detained person had any other communicable disease, as defined in  
33 RCW 72.09.251(3), when the staff person was substantially exposed to  
34 the offender's or detainee's bodily fluids.

35 (f) The test results of voluntary and anonymous HIV testing or  
36 HIV-related condition, as defined in RCW 70.24.017, may not be  
37 disclosed to a staff person except as provided in this section and  
38 RCW 70.02.050(1)(d) and 70.24.340. A health care administrator or  
39 infection control coordinator may provide the staff member with

1 information about how to obtain the offender's or detainee's test  
2 results under this section and RCW 70.02.050(1)(d) and 70.24.340.

3 (5) The requirements of this section do not apply to the  
4 customary methods utilized for the exchange of medical information  
5 among health care providers in order to provide health care services  
6 to the patient, nor do they apply within health care facilities where  
7 there is a need for access to confidential medical information to  
8 fulfill professional duties.

9 (6) Upon request of the victim, disclosure of test results under  
10 this section to victims of sexual offenses under chapter 9A.44 RCW  
11 must be made if the result is negative or positive. The county  
12 prosecuting attorney shall notify the victim of the right to such  
13 disclosure. The disclosure must be accompanied by appropriate  
14 counseling, including information regarding follow-up testing.

15 (7) A person, including a health care facility or health care  
16 provider, shall disclose the identity of any person who has  
17 investigated, considered, or requested a test or treatment for a  
18 sexually transmitted disease and information and records related to  
19 sexually transmitted diseases to federal, state, or local public  
20 health authorities, to the extent the health care provider is  
21 required by law to report health care information; when needed to  
22 determine compliance with state or federal certification or  
23 registration rules or laws; or when needed to protect the public  
24 health. Any health care information obtained under this subsection is  
25 exempt from public inspection and copying pursuant to chapter 42.56  
26 RCW.

27 **Sec. 20.** RCW 70.24.110 and 2020 c 76 s 7 are each amended to  
28 read as follows:

29 A minor (~~(fourteen)~~) 13 years of age or older who may have come  
30 in contact with any sexually transmitted disease or suspected  
31 sexually transmitted disease may give consent to the furnishing of  
32 hospital, medical, and surgical care related to the diagnosis or  
33 treatment of such disease; and treatment to avoid HIV infection. Such  
34 consent shall not be subject to disaffirmance because of minority.  
35 The consent of the parent, parents, or legal guardian of such minor  
36 shall not be necessary to authorize hospital, medical, and surgical  
37 care related to such disease, and such parent, parents, or legal  
38 guardian shall not be liable for payment for any care rendered  
39 pursuant to this section.

1        NEW SECTION.    **Sec. 21.**    A new section is added to chapter 70.125  
2    RCW to read as follows:

3        Any minor age 13 years or older may consent to a sexual assault  
4    forensic examination conducted for the purposes of gathering evidence  
5    for possible prosecution, and the minor may provide such consent  
6    without the authorization of a parent or other person identified  
7    under RCW 7.70.065.

8        NEW SECTION.    **Sec. 22.**    This act takes effect July 1, 2024.

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