
HOUSE BILL 1053

State of Washington

69th Legislature

2025 Regular Session

By Representative Low

Prefiled 12/12/24.

1 AN ACT Relating to juvenile access to an attorney; and amending
2 RCW 13.40.740.

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

4 **Sec. 1.** RCW 13.40.740 and 2021 c 328 s 1 are each amended to
5 read as follows:

6 (1) Except as provided in subsection (4) of this section, law
7 enforcement shall provide a juvenile with access to an attorney for
8 consultation, which may be provided in person, by telephone, or by
9 videoconference, before the juvenile waives any constitutional rights
10 if a law enforcement officer:

11 (a) Questions a juvenile during a custodial interrogation;

12 (b) Detains a juvenile based on probable cause of involvement in
13 criminal activity; or

14 (c) Requests that the juvenile provide consent to an evidentiary
15 search of the juvenile or the juvenile's property, dwellings, or
16 vehicles under the juvenile's control.

17 (2) The consultation required by subsection (1) of this section
18 may not be waived.

19 (3) Statements made by a juvenile after the juvenile is contacted
20 by a law enforcement officer in a manner described under subsection

1 (1) of this section are not admissible in a juvenile offender or
2 adult criminal court proceeding, unless:

3 (a) The juvenile has been provided with access to an attorney for
4 consultation; and the juvenile provides an express waiver knowingly,
5 intelligently, and voluntarily made by the juvenile after the
6 juvenile has been fully informed of the rights being waived as
7 required under RCW 13.40.140;

8 (b) The statement is for impeachment purposes; or

9 (c) The statement was made spontaneously.

10 (4) A law enforcement officer may question a juvenile without
11 following the requirement in subsection (1) of this section if:

12 (a) The law enforcement officer believes the juvenile is a victim
13 of trafficking as defined in RCW 9A.40.100; however, any information
14 obtained from the juvenile by law enforcement pursuant to this
15 subsection cannot be used in any prosecution of that juvenile; or

16 (b) (i) The law enforcement officer believes that the information
17 sought is necessary to protect an individual's life from an imminent
18 threat;

19 (ii) A delay to allow legal consultation would impede the
20 protection of an individual's life from an imminent threat; and

21 (iii) Questioning by the law enforcement officer is limited to
22 matters reasonably expected to obtain information necessary to
23 protect an individual's life from an imminent threat; or

24 (c) A law enforcement officer detains a juvenile based on
25 probable cause of involvement in both (i) a "criminal street gang-
26 related offense" as defined in RCW 9.94A.030, and (ii) a "violent
27 offense" or "serious violent offense" as defined in RCW 9.94A.030.

28 (5) After the juvenile has consulted with legal counsel, the
29 juvenile may advise, direct a parent or guardian to advise, or direct
30 legal counsel to advise the law enforcement officer that the juvenile
31 chooses to assert a constitutional right. Any assertion of
32 constitutional rights by the juvenile through legal counsel must be
33 treated by a law enforcement officer as though it came from the
34 juvenile. The waiver of any constitutional rights of the juvenile may
35 only be made according to the requirements of RCW 13.40.140.

36 (6) For purposes of this section, the following definitions
37 apply:

38 (a) "Juvenile" means any individual who is under the
39 chronological age of 18 years; and

1 (b) "Law enforcement officer" means any general authority,
2 limited authority, or specially commissioned Washington peace officer
3 or federal peace officer as those terms are defined in RCW 10.93.020,
4 including school resource officers as defined in RCW 28A.320.124 and
5 other public officers who are responsible for enforcement of fire,
6 building, zoning, and life and safety codes.

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