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**SENATE BILL 5150**

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**State of Washington**

**69th Legislature**

**2025 Regular Session**

**By** Senator Gildon

Prefiled 01/07/25.

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) Any exigent circumstances exist.

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

33 (6) For purposes of this section, the following definitions  
34 apply:

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

37 (b) "Law enforcement officer" means any general authority,  
38 limited authority, or specially commissioned Washington peace officer  
39 or federal peace officer as those terms are defined in RCW 10.93.020,  
40 including school resource officers as defined in RCW 28A.320.124 and

1 other public officers who are responsible for enforcement of fire,  
2 building, zoning, and life and safety codes.

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