Washington State
House of Representatives
Office of Program Research

BILL ANALYSIS

Technology, Economic Development, & Veterans Committee

HB 2417

Brief Description: Changing the Washington code of military justice so that it includes certain protections for victims of an offense while serving within the organized militia of Washington.

Sponsors: Representatives Keaton, Stuebe, Marshall, Leavitt, Jacobsen, Eslick, Shavers and Reeves; by request of Military Department.

Brief Summary of Bill

- Specifies the rights of a victim of an offense under the Washington Code of Military Justice, including the right to notice of hearings, the right to confer with counsel, and the right to restitution, if available.

Hearing Date: 1/23/26

Staff: Martha Wehling (786-7067).

Background:

The Washington Code of Military Justice (WCMJ) applies to all members of the organized militia who are not in federal service. The "organized militia" is defined to include the National Guard and any other military force organized under state law. The National Guard is a component of the United States Armed Forces and serves both the Governor under state law and the President under federal law.

The federal Uniform Code of Military Justice (UCMJ) establishes criminal law and legal procedure for all federal armed forces. It applies to active duty, National Guard and Reserve members, and academy students. The UCMJ was created in 1951 and standardized military law

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across the Army, Navy, Air Force, Marines, and Coast Guard. It contains offenses similar to civilian law, as well as military-specific infractions. Article 6b of the UCMJ establishes the rights of the victim of an offense. 10 U.S.C. §806b.

The WCMJ, enacted in 1963, governs the organization, administration, and duties of the organized militia. Subjects addressed in the WCMJ include:

- jurisdiction and persons subject to the WCMJ;
- apprehension and restraint;
- non-judicial punishment;
- courts-martial;
- pretrial and trial procedure;
- sentences;
- punitive articles; and
- miscellaneous provisions.

There are numerous offenses in the WCMJ, including offenses specific to military service, as well as offenses that parallel state crimes. Serious offenses are tried by general or special court-martial. The WMCJ addresses procedures for providing military counsel to the accused, pretrial and trial procedures, and other procedural matters. Military authority has primary jurisdiction over military offenses. Certain offenses, such as Murder, Rape, and Assault, are excluded from the WCMJ and are under the jurisdiction of state courts. If an offense could be both military and nonmilitary, the military may proceed only after the civilian authorities decline to prosecute or dismiss the charge, provided no jeopardy has attached.

Unless called into federal service, the Washington National Guard is under the control of the state and is not subject to the federal Uniform Code of Military Justice. The WCMJ applies to a guard member if the member commits an offense prohibited by the WCMJ, regardless of whether the member is on "duty status."

Summary of Bill:

A section is added to the WCMJ that is substantially identical to the victim rights identified in Article 6b of the UCMJ. A victim of an offense under the WCMJ has the following rights:

- the right to be reasonably protected from the accused;
- the right to notice of: public hearings, investigation, court-martial, post-trial proceedings, public proceedings of the federal Service Clemency and Parole Board, and release or escape of the accused;
- the right to be present at a public hearing or proceeding, with certain exceptions;
- the right to be heard at: public hearings addressing the accused's confinement prior to the hearing, sentencing hearings, and public proceedings of the federal Service Clemency and Parole Board;
- the right to confer with counsel representing the state;
- the right to restitution, if any;
- the right to proceed without unreasonable delay;

- the right to be informed of certain settlement agreements; and
- the right to be treated with fairness.

A "victim of an offense under this chapter" is defined as an "individual who has suffered direct physical, emotional, or pecuniary harm as a result of the commission of an offense under this chapter."

When the accused's counsel plans to call a victim as a witness, the accused's counsel must request an interview through the victim's counsel, if any. The victim's interview must be taken in the presence of the state's counsel, victim's counsel, or victim's advocate, if any.

The victim's rights do not authorize a cause of action for damages, create liability against the state for breach, or impair the charges against the accused or advice of the state judge advocate.

Appropriation: None.

Fiscal Note: Requested on January 13, 2026.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.