

2 **HB 1425** - S COMM AMD  
3 By Committee on Law & Justice

4 ADOPTED 4/12/95

5 Strike everything after the enacting clause and insert the  
6 following:

7 "**Sec. 1.** RCW 5.60.060 and 1989 c 271 s 301 are each amended to  
8 read as follows:

9 (1) A husband shall not be examined for or against his wife,  
10 without the consent of the wife, nor a wife for or against her husband  
11 without the consent of the husband; nor can either during marriage or  
12 afterward, be without the consent of the other, examined as to any  
13 communication made by one to the other during marriage. But this  
14 exception shall not apply to a civil action or proceeding by one  
15 against the other, nor to a criminal action or proceeding for a crime  
16 committed by one against the other, nor to a criminal action or  
17 proceeding against a spouse if the marriage occurred subsequent to the  
18 filing of formal charges against the defendant, nor to a criminal  
19 action or proceeding for a crime committed by said husband or wife  
20 against any child of whom said husband or wife is the parent or  
21 guardian, nor to a proceeding under chapter 70.96A or 71.05 RCW:  
22 PROVIDED, That the spouse of a person sought to be detained under  
23 chapter 70.96A or 71.05 RCW may not be compelled to testify and shall  
24 be so informed by the court prior to being called as a witness.

25 (2) An attorney or counselor shall not, without the consent of his  
26 or her client, be examined as to any communication made by the client  
27 to him or her, or his or her advice given thereon in the course of  
28 professional employment.

29 (3) A member of the clergy or a priest shall not, without the  
30 consent of a person making the confession, be examined as to any  
31 confession made to him or her in his or her professional character, in  
32 the course of discipline enjoined by the church to which he or she  
33 belongs.

34 (4) Subject to the limitations under RCW 70.96A.140 or 71.05.250,  
35 a physician or surgeon or osteopathic physician or surgeon shall not,  
36 without the consent of his or her patient, be examined in a civil

1 action as to any information acquired in attending such patient, which  
2 was necessary to enable him or her to prescribe or act for the patient,  
3 except as follows:

4 (a) In any judicial proceedings regarding a child's injury,  
5 neglect, or sexual abuse or the cause thereof; and

6 (b) Ninety days after filing an action for personal injuries or  
7 wrongful death, the claimant shall be deemed to waive the physician-  
8 patient privilege. Waiver of the physician-patient privilege for any  
9 one physician or condition constitutes a waiver of the privilege as to  
10 all physicians or conditions, subject to such limitations as a court  
11 may impose pursuant to court rules.

12 (5) A public officer shall not be examined as a witness as to  
13 communications made to him or her in official confidence, when the  
14 public interest would suffer by the disclosure.

15 (6)(a) A peer support group counselor shall not, without consent of  
16 the law enforcement officer making the communication, be compelled to  
17 testify about any communication made to the counselor by the officer  
18 while receiving counseling. The counselor must be designated as such  
19 by the sheriff, police chief, or chief of the Washington state patrol,  
20 prior to the incident that results in counseling. The privilege only  
21 applies when the communication was made to the counselor while acting  
22 in his or her capacity as a peer support group counselor. The  
23 privilege does not apply if the counselor was an initial responding  
24 officer, a witness, or a party to the incident which prompted the  
25 delivery of peer support group counseling services to the law  
26 enforcement officer.

27 (b) For purposes of this section, "peer support group counselor"  
28 means a:

29 (i) Law enforcement officer, or civilian employee of a law  
30 enforcement agency, who has received training to provide emotional and  
31 moral support and counseling to an officer who needs those services as  
32 a result of an incident in which the officer was involved while acting  
33 in his or her official capacity; or

34 (ii) Nonemployee counselor who has been designated by the sheriff,  
35 police chief, or chief of the Washington state patrol to provide  
36 emotional and moral support and counseling to an officer who needs  
37 those services as a result of an incident in which the officer was  
38 involved while acting in his or her official capacity."

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4 On page 1, line 1 of the title, after "communications;" strike the  
5 remainder of the title and insert "and amending RCW 5.60.060."

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