

# SENATE BILL REPORT

## SB 6188

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As Reported By Senate Committee On:  
Law & Justice, January 30, 1996

**Title:** An act relating to communications between victims of sexual assaults and their personal representatives.

**Brief Description:** Establishing a conditional privilege for communications between victims of sexual assaults and their personal representatives.

**Sponsors:** Senators Sheldon, Prentice, Wojahn, Thibaudeau, Fairley, Kohl, Rinehart, Spanel, Snyder, Winsley and Rasmussen.

**Brief History:**

**Committee Activity:** Law & Justice: 1/23/96, 1/30/96 [DPS].

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### SENATE COMMITTEE ON LAW & JUSTICE

**Majority Report:** That Substitute Senate Bill No. 6188 be substituted therefor, and the substitute bill do pass.

Signed by Senators Smith, Chair; Fairley, Vice Chair; Goings, Hargrove, Haugen, Johnson, Long, McCaslin, Roach and Schow.

**Staff:** Cynthia Runger (786-7717)

**Background:** Privileged communications are those statements made by certain persons within a protected relationship such as attorney-client, doctor-patient, priest-penitent, which the law protects from forced disclosure at the option of the person making the confidential communication.

A personal representative is a friend, relative, attorney, or employee from a rape crisis center who accompanies a victim during treatment and to proceedings relating to the alleged assault, including police and prosecution interviews and court proceedings. Communication between a personal representative and a victim of sexual assault is not privileged.

**Summary of Substitute Bill:** Communication between a victim of sexual assault and his or her sexual assault advocate is privileged; therefore, a sexual assault advocate may not be examined to provide testimony for or against the victim without the victim's consent.

**Substitute Bill Compared to Original Bill:** The privileged communication relates to a sexual assault advocate, not a personal representative. This limits the privilege to a more select group of individuals. Also, the substitute provides an exemption for advocates if they believe that their failure to communicate would likely result in a clear and imminent danger to the victim or another.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** Oftentimes the victims are children whose abusers are family members. They have no one to turn to but a personal representative. They put their trust in the personal representative. Forcing a personal representative to testify places them and the victim in a very difficult situation. Victims of sexual assault need to know that they have someone they can turn to and confide in to help them through the process. The privilege should apply to a narrower group.

**Testimony Against:** None.

**Testified:** PRO: Senator Sheldon, prime sponsor; Debbie Ruggler, WA Coalition of Sexual Assault; Mary Kennedy, citizen; Elisa Jolly, citizen; Diane Rassel, attorney; Russel Hauge, Kitsap Co. Prosecuting Attorney.