

2 EHB 3041 - S COMM AMD  
3 By Committee on Law & Justice

4 ADOPTED 3/6/98

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

7 NEW SECTION. Sec. 1. A new section is added to chapter 43.06A  
8 RCW to read as follows:

9 Neither the ombudsman nor the ombudsman's staff may be compelled,  
10 in any judicial or administrative proceeding, to testify or to produce  
11 evidence regarding the exercise of the official duties of the ombudsman  
12 or of the ombudsman's staff. All related memoranda, work product,  
13 notes, and case files of the ombudsman's office are confidential, are  
14 not subject to discovery, judicial or administrative subpoena, or other  
15 method of legal compulsion, and are not admissible in evidence in a  
16 judicial or administrative proceeding. This section shall not apply to  
17 the legislative oversight committee.

18 NEW SECTION. Sec. 2. A new section is added to chapter 43.06A RCW  
19 to read as follows:

20 The privilege described in section 1 of this act does not apply  
21 when:

22 (1) The ombudsman or ombudsman's staff member has direct knowledge  
23 of an alleged crime, and the testimony, evidence, or discovery sought  
24 is relevant to that allegation;

25 (2) The ombudsman or a member of the ombudsman's staff has received  
26 a threat of, or becomes aware of a risk of, imminent serious harm to  
27 any person, and the testimony, evidence, or discovery sought is  
28 relevant to that threat or risk;

29 (3) The ombudsman has been asked to provide general information  
30 regarding the general operation of, or the general processes employed  
31 at, the ombudsman's office; or

32 (4) The ombudsman or ombudsman's staff member has direct knowledge  
33 of a failure by any person specified in RCW 26.44.030, including the  
34 state family and children's ombudsman or any volunteer in the  
35 ombudsman's office, to comply with RCW 26.44.030.

