

SENATE BILL REPORT

HB 2454

As Reported By Senate Committee On:
Judiciary, February 21, 2006

Title: An act relating to the privilege for sexual assault advocates.

Brief Description: Revising the privilege for sexual assault advocates.

Sponsors: Representatives Williams, Lantz, Darneille, Morrell, O'Brien and Green.

Brief History: Passed House: 2/10/06, 96-2.

Committee Activity: Judiciary: 2/21/06 [DP].

SENATE COMMITTEE ON JUDICIARY

Majority Report: Do pass.

Signed by Senators Kline, Chair; Weinstein, Vice Chair; Johnson, Ranking Minority Member; Carrell, Esser, Hargrove, McCaslin and Rasmussen.

Staff: Aldo Melchiori (786-7439)

Background: Washington law protects enumerated communications from disclosure during the course of litigation even though the information might be helpful in determining the truth. The protection is provided to foster free and open communication and relationships between identified parties. Privileges protect communication and conversations and are distinct from confidentiality rules which are typically used to protect information.

Privileges are strictly construed. Currently, a sexual assault advocate may not be examined as to any communication made by the victim to the advocate, unless the victim consents. The statute is silent in regard to communication made by the sexual assault advocate. The advocate may disclose these privileged communications, without the victim's consent, if failure to disclose would likely result in a clear, imminent risk of serious injury or death of the victim or another person.

Summary of Bill: A sexual assault advocate may not be examined as to any communication made between the victim and the advocate, unless the victim consents. This change eliminates the ambiguity about whether the communications of the sexual assault advocate are privileged.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

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

Testimony For: None.

Testimony Against: None.

Who Testified: No one.