**6068-S.E AMH JUDI H4997.1 - NOT FOR FLOOR USE**

**ESSB 6068** - H COMM AMD

By Committee on Judiciary

**ADOPTED 02/27/2018**

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec.**  A new section is added to chapter 4.24 RCW to read as follows:

(1) In any civil judicial or administrative action relating to sexual harassment or sexual assault, a nondisclosure policy or agreement that purports to limit the ability of any person to produce evidence regarding past instances of sexual harassment or sexual assault by a party to the civil action does not affect discovery or the availability of witness testimony relating to that civil action. Any provision of a nondisclosure policy or agreement including any arbitration agreement or decision that would limit, prevent, or punish such disclosure is contrary to public policy and unenforceable. However, the court or presiding officer shall enter appropriate orders upon motion of any party supported by affidavit or sworn declaration, or without motion but on the court's or presiding officer's own accord, to ensure that the identity of any person who is or is alleged to be a victim of sexual harassment or sexual assault is not made public as a result of a disclosure made under this section, unless such person consents.

(2) The provisions of this section do not alter admissibility standards of evidence for the court or presiding officer to decide whether the probative value of evidence offered outweighs the potential prejudice.

NEW SECTION. **Sec.**  This act applies to actions pending as of the effective date and actions filed after the effective date."

Correct the title.

EFFECT: Retains the underlying bill with the following changes:

(1) Makes the provisions applicable to both judicial and administrative actions.

(2) Refers to "sexual assault" rather than "assault."

(3) Makes the act applicable to actions pending as of the effective date and actions filed after the effective date.