**6068-S AMS FROC S4995.3 - NOT FOR FLOOR USE**

**SSB 6068** - S AMD **493**

By Senator Frockt

**ADOPTED 02/08/2018**

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 action relating to sexual harassment or 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 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 shall enter appropriate orders upon motion of any party supported by affidavit or sworn declaration, or without motion but on the court's own accord, to ensure that the identity of any person who is or is alleged to be a victim of sexual harassment or 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 to decide whether the probative value of evidence offered outweighs the potential prejudice."

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By Senator Frockt

**ADOPTED 02/08/2018**

On page 1, line 2 of the title, after "assault;" strike the remainder of the title and insert "and adding a new section to chapter 4.24 RCW."

EFFECT: Removes a requirement for a court to hold a hearing prior to entering orders protecting the identity of victims. Upon motion of any party supported by affidavit or sworn declaration, or without motion but on the court's own accord, the court shall enter orders to protect the identity of any victim.