S-4543.1

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**SUBSTITUTE SENATE BILL 6068**

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**State of Washington 65th Legislature 2018 Regular Session**

**By** Senate Law & Justice (originally sponsored by Senators Frockt, Pedersen, Palumbo, Conway, Saldaña, Kuderer, and Mullet)

AN ACT Relating to the applicability of nondisclosure agreements in civil actions for sexual harassment or assault; and adding a new section to chapter 4.24 RCW.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

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 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. Any orders entered pursuant to this section may be entered only after a court hearing to determine whether such person consents to disclosure. The hearing may be closed to the public at the request of one of the parties.

(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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