CERTIFICATION OF ENROLLMENT

**ENGROSSED SUBSTITUTE SENATE BILL 6068**

Chapter 118, Laws of 2018

65th Legislature

2018 Regular Session

SEXUAL HARASSMENT AND SEXUAL ASSAULT--NONDISCLOSURE AGREEMENTS--DISCOVERY

EFFECTIVE DATE: June 7, 2018

|  |  |
| --- | --- |
| Passed by the Senate March 5, 2018  Yeas 49 Nays 0  CYRUS HABIB  **President of the Senate**  Passed by the House February 27, 2018  Yeas 98 Nays 0  FRANK CHOPP  **Speaker of the House of Representatives** | CERTIFICATE  I, Brad Hendrickson, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE SENATE BILL 6068** as passed by Senate and the House of Representatives on the dates hereon set forth.  BRAD HENDRICKSON  Secretary |
| Approved March 21, 2018 10:50 AM | March 23, 2018 |
| JAY INSLEE  **Governor of the State of Washington** | **Secretary of State**  **State of Washington** |

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**ENGROSSED SUBSTITUTE SENATE BILL 6068**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

AS AMENDED BY THE HOUSE

Passed Legislature - 2018 Regular Session

**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; adding a new section to chapter 4.24 RCW; and creating a new section.

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 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.

**--- END ---**

Passed by the Senate March 5, 2018.

Passed by the House February 27, 2018.

Approved by the Governor March 21, 2018.

Filed in Office of Secretary of State March 23, 2018.