

FINAL BILL REPORT

SHB 1356

C 98 L 19
Synopsis as Enacted

Brief Description: Concerning privileged communication with peer support group counselors.

Sponsors: House Committee on Civil Rights & Judiciary (originally sponsored by Representatives Lovick, Maycumber, Tarleton, Pettigrew, Doglio, Stonier, Morgan, Orwall, Gregerson, Kilduff, Mead, Kloba, Valdez, Ortiz-Self, Thai, Lekanoff, Cody, Stanford, Chapman, Walen, Sells, Kirby, Appleton, Blake, Ryu, Reeves, Bergquist, Jinkins, Goodman, Pollet, Leavitt and Ormsby).

House Committee on Civil Rights & Judiciary
Senate Committee on Law & Justice

Background:

Testimonial Privileges.

The judiciary has inherent power to compel witnesses to appear and testify in judicial proceedings so that the court will receive all relevant evidence. The common law and statutory law recognize exceptions to certain communications when certain classes of relationships or communications within those relationships are deemed of such importance that they should be protected. Washington statutory law establishes a number of these testimonial privileges, including communications between the following persons: (1) husband and wife; (2) attorney and client; (3) clergy and confessor; (4) physician and patient; (5) psychologist and client; (6) optometrist and client; (7) sexual assault advocate and victim; and (8) peer support group counselor and law enforcement officer, limited authority law enforcement officer, or firefighter.

Peer Support Group Counselor.

A peer support group counselor is a person who has received training to provide emotional and moral support and counseling to an officer or firefighter who needs these services as a result of an incident in which the officer or firefighter was involved while acting in his or her official capacity. The counselor must be designated as such by the agency employing the officer or firefighter prior to the incident that results in counseling.

The peer support group counselor privilege protects communications made by a law enforcement officer, limited law enforcement officer, or firefighter to a designated peer support group counselor while receiving counseling for an incident in which the officer or

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firefighter was involved while acting in the officer's official capacity. The peer support group counselor may not be compelled to testify in a judicial proceeding about the communication unless the officer or firefighter consents to disclosure. This privilege applies only to communications made to a counselor acting in his or her capacity as a peer support group counselor. The privilege does not apply if the counselor was an initial responding officer or firefighter, a witness, or a party to the incident that prompted the counseling services.

Emergency Medical Services.

The Department of Health regulates the practice of emergency medical responders, emergency medical technicians, advanced emergency medical technicians, and paramedics to provide a range of emergency medical services, which are defined as medical treatment and care which may be rendered at the scene of any medical emergency or while transporting any patient in an ambulance to an appropriate medical facility, including ambulance transportation between medical facilities.

Summary:

A testimonial privilege is established for communications made by a first responder or local jail staff person to a designated peer support group counselor while receiving counseling as the result of an incident in which the first responder or jail staff was involved while acting in the first responder or jail staff's official capacity. The privilege applies under the same standards and conditions that apply to the privilege for communications by a law enforcement officer or firefighter to a peer support group counselor.

First responder is defined as a law enforcement officer; a limited authority law enforcement officer; a firefighter; an emergency services dispatcher or record keeper; a licensed or certified emergency medical personnel; or a member or former member of the Washington National Guard acting in an emergency response capacity under the emergency management statutes.

Votes on Final Passage:

House	94	0
Senate	47	0

Effective: July 28, 2019