

CERTIFICATION OF ENROLLMENT

**HOUSE BILL 1425**

Chapter 240, Laws of 1995

54th Legislature  
1995 Regular Session

LAW ENFORCEMENT PEER COUNSELOR CONFIDENTIALITY

EFFECTIVE DATE: 7/23/95

Passed by the House April 19, 1995  
Yeas 97 Nays 0

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CLYDE BALLARD

**Speaker of the  
House of Representatives**

Passed by the Senate April 12, 1995  
Yeas 47 Nays 0

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JOEL PRITCHARD

**President of the Senate**

Approved May 5, 1995

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MIKE LOWRY

**Governor of the State of Washington**

CERTIFICATE

I, Timothy A. Martin, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 1425** as passed by the House of Representatives and the Senate on the dates hereon set forth.

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TIMOTHY A. MARTIN

**Chief Clerk**

FILED

May 5, 1995 - 10:10 a.m.

**Secretary of State  
State of Washington**

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HOUSE BILL 1425

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AS AMENDED BY THE SENATE

Passed Legislature - 1995 Regular Session

State of Washington                      54th Legislature                      1995 Regular Session

By Representatives Scott, Padden, Appelwick, Costa, Sheldon, Dickerson,  
Chappell, Hatfield, Brown and Basich

Read first time 01/25/95. Referred to Committee on Law and Justice.

1            AN ACT Relating to privileged communications; and amending RCW  
2 5.60.060.

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

4            **Sec. 1.** RCW 5.60.060 and 1989 c 271 s 301 are each amended to read  
5 as follows:

6            (1) A husband shall not be examined for or against his wife,  
7 without the consent of the wife, nor a wife for or against her husband  
8 without the consent of the husband; nor can either during marriage or  
9 afterward, be without the consent of the other, examined as to any  
10 communication made by one to the other during marriage. But this  
11 exception shall not apply to a civil action or proceeding by one  
12 against the other, nor to a criminal action or proceeding for a crime  
13 committed by one against the other, nor to a criminal action or  
14 proceeding against a spouse if the marriage occurred subsequent to the  
15 filing of formal charges against the defendant, nor to a criminal  
16 action or proceeding for a crime committed by said husband or wife  
17 against any child of whom said husband or wife is the parent or  
18 guardian, nor to a proceeding under chapter 70.96A or 71.05 RCW:  
19 PROVIDED, That the spouse of a person sought to be detained under

1 chapter 70.96A or 71.05 RCW may not be compelled to testify and shall  
2 be so informed by the court prior to being called as a witness.

3 (2) An attorney or counselor shall not, without the consent of his  
4 or her client, be examined as to any communication made by the client  
5 to him or her, or his or her advice given thereon in the course of  
6 professional employment.

7 (3) A member of the clergy or a priest shall not, without the  
8 consent of a person making the confession, be examined as to any  
9 confession made to him or her in his or her professional character, in  
10 the course of discipline enjoined by the church to which he or she  
11 belongs.

12 (4) Subject to the limitations under RCW 70.96A.140 or 71.05.250,  
13 a physician or surgeon or osteopathic physician or surgeon shall not,  
14 without the consent of his or her patient, be examined in a civil  
15 action as to any information acquired in attending such patient, which  
16 was necessary to enable him or her to prescribe or act for the patient,  
17 except as follows:

18 (a) In any judicial proceedings regarding a child's injury,  
19 neglect, or sexual abuse or the cause thereof; and

20 (b) Ninety days after filing an action for personal injuries or  
21 wrongful death, the claimant shall be deemed to waive the physician-  
22 patient privilege. Waiver of the physician-patient privilege for any  
23 one physician or condition constitutes a waiver of the privilege as to  
24 all physicians or conditions, subject to such limitations as a court  
25 may impose pursuant to court rules.

26 (5) A public officer shall not be examined as a witness as to  
27 communications made to him or her in official confidence, when the  
28 public interest would suffer by the disclosure.

29 (6)(a) A peer support group counselor shall not, without consent of  
30 the law enforcement officer making the communication, be compelled to  
31 testify about any communication made to the counselor by the officer  
32 while receiving counseling. The counselor must be designated as such  
33 by the sheriff, police chief, or chief of the Washington state patrol,  
34 prior to the incident that results in counseling. The privilege only  
35 applies when the communication was made to the counselor while acting  
36 in his or her capacity as a peer support group counselor. The  
37 privilege does not apply if the counselor was an initial responding  
38 officer, a witness, or a party to the incident which prompted the

1 delivery of peer support group counseling services to the law  
2 enforcement officer.

3 (b) For purposes of this section, "peer support group counselor"  
4 means a:

5 (i) Law enforcement officer, or civilian employee of a law  
6 enforcement agency, who has received training to provide emotional and  
7 moral support and counseling to an officer who needs those services as  
8 a result of an incident in which the officer was involved while acting  
9 in his or her official capacity; or

10 (ii) Nonemployee counselor who has been designated by the sheriff,  
11 police chief, or chief of the Washington state patrol to provide  
12 emotional and moral support and counseling to an officer who needs  
13 those services as a result of an incident in which the officer was  
14 involved while acting in his or her official capacity.

Passed the House April 19, 1995.

Passed the Senate April 12, 1995.

Approved by the Governor May 5, 1995.

Filed in Office of Secretary of State May 5, 1995.