

SHB 3083 - S COMM AMD

By Committee on Children & Family Services & Corrections

ADOPTED 03/05/2004

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 26.44.060 and 1997 c 386 s 29 are each amended to
4 read as follows:

5 (1)(a) Except as provided in (b) of this subsection, any person
6 participating in good faith in the making of a report pursuant to this
7 chapter or testifying as to alleged child abuse or neglect in a
8 judicial proceeding shall in so doing be immune from any liability
9 arising out of such reporting or testifying under any law of this state
10 or its political subdivisions.

11 (b) A person convicted of a violation of subsection (4) of this
12 section shall not be immune from liability under (a) of this
13 subsection.

14 (2) An administrator of a hospital or similar institution or any
15 physician licensed pursuant to chapters 18.71 or 18.57 RCW taking a
16 child into custody pursuant to RCW 26.44.056 shall not be subject to
17 criminal or civil liability for such taking into custody.

18 (3) Conduct conforming with the reporting requirements of this
19 chapter shall not be deemed a violation of the confidential
20 communication privilege of RCW 5.60.060 (3) and (4), 18.53.200 and
21 18.83.110. Nothing in this chapter shall be construed as to supersede
22 or abridge remedies provided in chapter 4.92 RCW.

23 (4) A person who, intentionally and in bad faith or maliciously,
24 knowingly makes a false report of alleged abuse or neglect shall be
25 guilty of a misdemeanor punishable in accordance with RCW 9A.20.021.

26 (5) A person who, in good faith and without gross negligence,
27 cooperates in an investigation arising as a result of a report made
28 pursuant to this chapter, shall not be subject to civil liability
29 arising out of his or her cooperation. This subsection does not apply

1 to a person who caused or allowed the child abuse or neglect to occur."

SHB 3083 - S COMM AMD

By Committee on Children & Family Services & Corrections

ADOPTED 03/05/2004

2 On page 1, line 2 of the title, after "neglect;" strike the
3 remainder of the title and insert "and amending RCW 26.44.060."

EFFECT: Creates a limitation on liability for persons cooperating with an investigation.

--- END ---