

SHB 2452 - S AMD TO JUD COMM AMD (S-5565.1/06) 193  
By Senator Carrell

1 On page 1, line 3 of the amendment, after "subsection (2)" insert  
2 "or (3)"

3 On page 1, line 16 of the amendment, after "(2)" insert "A court may  
4 compel disclosure of the identity of a source described in subsection  
5 (1)(a) of this section if, after conducting an in-camera review, the  
6 court finds that the party seeking the identity of a source has  
7 established by clear and convincing evidence:

8 (a)(i) In a criminal investigation or prosecution, that there are  
9 reasonable grounds to believe that a crime has occurred; or

10 (ii) In a civil action or proceeding, that there is a prima facie  
11 cause of action; and

12 (b) In all matters, whether criminal or civil, that:

13 (i) The identity of a source is highly material and relevant;

14 (ii) The identity of a source is critical or necessary to the  
15 maintenance of a party's claim, defense, or proof of an issue material  
16 thereto;

17 (iii) The party seeking the identity of a source has exhausted all  
18 reasonable and available means to obtain it from alternative sources;  
19 and

20 (iv) There is a compelling public interest in the disclosure.

21 (3)"

22 Renumber the remaining subsections consecutively and correct any  
23 internal references accordingly.

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**EFFECT:** Provides that a court may compel the disclosure of the identity of a source if, after conducting an in-camera review, the court finds that the party seeking the identity of a source has established by clear and convincing evidence: (1) In a criminal investigation or prosecution, that there are reasonable grounds to believe that a crime has occurred; or (2) in a civil action or proceeding, that there is a prima facie cause of action; and (3) in all matters, whether criminal or civil, that: (a) The identity of

a source is highly material and relevant; (b) the identity of a source is critical or necessary to the maintenance of a party's claim, defense, or proof of an issue material thereto; (c) the party seeking the identity of a source has exhausted all reasonable and available means to obtain it from alternative sources; and (d) there is a compelling public interest in the disclosure.