

CERTIFICATION OF ENROLLMENT

SENATE BILL 5147

Chapter 88, Laws of 2009

61st Legislature
2009 Regular Session

CRIMINAL LIBEL--REPEAL

EFFECTIVE DATE: 07/26/09

Passed by the Senate March 7, 2009
YEAS 44 NAYS 0

BRAD OWEN

President of the Senate

Passed by the House April 6, 2009
YEAS 95 NAYS 1

FRANK CHOPP

Speaker of the House of Representatives

Approved April 13, 2009, 4:02 p.m.

CHRISTINE GREGOIRE

Governor of the State of Washington

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SENATE BILL 5147** as passed by the Senate and the House of Representatives on the dates hereon set forth.

THOMAS HOEMANN

Secretary

FILED

April 14, 2009

**Secretary of State
State of Washington**

SENATE BILL 5147

Passed Legislature - 2009 Regular Session

State of Washington 61st Legislature 2009 Regular Session

By Senators Kline and Rockefeller

Read first time 01/15/09. Referred to Committee on Judiciary.

1 AN ACT Relating to criminal libel; amending RCW 43.06A.085; and
2 repealing RCW 9.58.010, 9.58.020, 9.58.030, 9.58.040, 9.58.050,
3 9.58.060, 9.58.070, 9.58.080, 9.58.090, and 10.37.120.

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

5 NEW SECTION. **Sec. 1.** The following acts or parts of acts are each
6 repealed:

7 (1) RCW 9.58.010 (Libel, what constitutes) and 1935 c 117 s 1, 1909
8 c 249 s 172, 1891 c 69 s 3, Code 1881 ss 1230, 1231, 1879 p 144 s 1, &
9 1869 p 383 ss 1, 2;

10 (2) RCW 9.58.020 (How justified or excused--Malice, when presumed)
11 and 1909 c 249 s 173, Code 1881 s 1233, 1879 p 144 s 4, & 1869 p 384 s
12 3;

13 (3) RCW 9.58.030 (Publication defined) and 1909 c 249 s 174, Code
14 1881 s 1234, & 1869 p 384 s 5;

15 (4) RCW 9.58.040 (Liability of editors and others) and 1935 c 117
16 s 2, 1909 c 249 s 175, Code 1881 ss 1230, 1231, 1879 p 144 s 1, & 1869
17 p 383 ss 1, 2;

18 (5) RCW 9.58.050 (Report of proceedings privileged) and 1909 c 249
19 s 176;

1 (6) RCW 9.58.060 (Venue punishment restricted) and 1909 c 249 s
2 177;

3 (7) RCW 9.58.070 (Privileged communications) and 1909 c 249 s 178;

4 (8) RCW 9.58.080 (Furnishing libelous information) and 1909 c 249
5 s 179;

6 (9) RCW 9.58.090 (Threatening to publish libel) and 1909 c 249 s
7 180; and

8 (10) RCW 10.37.120 (Libel--Innuendos--Publication) and 1891 c 28 s
9 34, Code 1881 s 1019, 1873 p 227 s 202, & 1869 p 243 s 197.

10 **Sec. 2.** RCW 43.06A.085 and 1999 c 390 s 7 are each amended to read
11 as follows:

12 (1) An employee of the office of the family and children's
13 ombudsman is not liable for good faith performance of responsibilities
14 under this chapter.

15 (2) No discriminatory, disciplinary, or retaliatory action may be
16 taken against an employee of the department, an employee of a
17 contracting agency of the department, a foster parent, or a recipient
18 of family and children's services for any communication made, or
19 information given or disclosed, to aid the office of the family and
20 children's ombudsman in carrying out its responsibilities, unless the
21 communication or information is made, given, or disclosed maliciously
22 or without good faith. This subsection is not intended to infringe on
23 the rights of the employer to supervise, discipline, or terminate an
24 employee for other reasons.

25 (3) All communications by an ombudsman, if reasonably related to
26 the requirements of that individual's responsibilities under this
27 chapter and done in good faith, are privileged (~~under RCW 9.58.070~~)
28 and that privilege shall serve as a defense in any action in libel or
29 slander.

Passed by the Senate March 7, 2009.

Passed by the House April 6, 2009.

Approved by the Governor April 13, 2009.

Filed in Office of Secretary of State April 14, 2009.