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**SENATE BILL 5126**

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**State of Washington 64th Legislature 2015 Regular Session**

**By** Senators Padden, Darneille, Roach, and Hatfield

AN ACT Relating to the issuance of subpoenas in proceedings involving the employment security department; and amending RCW 50.13.070.

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

**Sec.**  RCW 50.13.070 and 1977 ex.s. c 153 s 7 are each amended to read as follows:

Information or records deemed private and confidential under this chapter shall be available to parties to judicial or formal administrative proceedings only upon an affidavit by a lawyer licensed to practice law in the state of Washington or a finding by the presiding officer that the need for the information or records in the proceeding outweighs any reasons for the privacy and confidentiality of the information or records. Information or records deemed private and confidential under this chapter shall not be available in discovery proceedings unless an affidavit by a lawyer licensed to practice law in the state of Washington or the court in which the action has been filed has made the finding specified above. A judicial or administrative subpoena directed to the employment security department must contain this finding. A subpoena for records or information held by the department may be directed to and served upon any employee of the department, but the department may specify by rule which employee shall produce the records or information in compliance with the subpoena.

A subpoena issued pursuant to an affidavit by a lawyer licensed to practice law in the state of Washington shall lapse by its terms within one year of the date of issuance. A copy of any subpoena issued shall be simultaneously mailed or delivered to the person whose records or information is being sought, and an affidavit of mailing or other delivery shall accompany the subpoena directed to the department. Any controversion of the subpoena shall be heard in the judicial or administrative forum or court through which the subpoena was issued.

**--- END ---**