

SSB 6068 - S AMD 493
By Senator Frockt

ADOPTED 02/08/2018

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

3 "NEW SECTION. **Sec. 1.** A new section is added to chapter 4.24
4 RCW to read as follows:

5 (1) In any civil action relating to sexual harassment or assault,
6 a nondisclosure policy or agreement that purports to limit the
7 ability of any person to produce evidence regarding past instances of
8 sexual harassment or assault by a party to the civil action does not
9 affect discovery or the availability of witness testimony relating to
10 that civil action. Any provision of a nondisclosure policy or
11 agreement including any arbitration agreement or decision that would
12 limit, prevent, or punish such disclosure is contrary to public
13 policy and unenforceable. However, the court shall enter appropriate
14 orders upon motion of any party supported by affidavit or sworn
15 declaration, or without motion but on the court's own accord, to
16 ensure that the identity of any person who is or is alleged to be a
17 victim of sexual harassment or assault is not made public as a result
18 of a disclosure made under this section, unless such person consents.

19 (2) The provisions of this section do not alter admissibility
20 standards of evidence for the court to decide whether the probative
21 value of evidence offered outweighs the potential prejudice."

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22 On page 1, line 2 of the title, after "assault;" strike the
23 remainder of the title and insert "and adding a new section to
24 chapter 4.24 RCW."

EFFECT: Removes a requirement for a court to hold a hearing prior
to entering orders protecting the identity of victims. Upon motion of
any party supported by affidavit or sworn declaration, or without
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motion but on the court's own accord, the court shall enter orders to protect the identity of any victim.

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