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ENGROSSED SUBSTITUTE SENATE BILL 6068

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State of Washington

65th Legislature

2018 Regular Session

By Senate Law & Justice (originally sponsored by Senators Frockt, Pedersen, Palumbo, Conway, Saldaña, Kuderer, and Mullet)

READ FIRST TIME 01/31/18.

1 AN ACT Relating to the applicability of nondisclosure agreements  
2 in civil actions for sexual harassment or assault; and adding a new  
3 section to chapter 4.24 RCW.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 4.24 RCW  
6 to read as follows:

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

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

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