

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE SENATE BILL 6068

Chapter 118, Laws of 2018

65th Legislature
2018 Regular Session

SEXUAL HARASSMENT AND SEXUAL ASSAULT--NONDISCLOSURE AGREEMENTS--
DISCOVERY

EFFECTIVE DATE: June 7, 2018

Passed by the Senate March 5, 2018
Yeas 49 Nays 0

CYRUS HABIB

President of the Senate

Passed by the House February 27, 2018
Yeas 98 Nays 0

FRANK CHOPP

Speaker of the House of Representatives

Approved March 21, 2018 10:50 AM

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Brad Hendrickson, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE SENATE BILL 6068** as passed by Senate and the House of Representatives on the dates hereon set forth.

BRAD HENDRICKSON

Secretary

FILED

March 23, 2018

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE SENATE BILL 6068

AS AMENDED BY THE HOUSE

Passed Legislature - 2018 Regular Session

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; adding a new
3 section to chapter 4.24 RCW; and creating a new section.

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

1 assault is not made public as a result of a disclosure made under
2 this section, unless such person consents.

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

7 NEW SECTION. **Sec. 2.** This act applies to actions pending as of
8 the effective date and actions filed after the effective date.

Passed by the Senate March 5, 2018.

Passed by the House February 27, 2018.

Approved by the Governor March 21, 2018.

Filed in Office of Secretary of State March 23, 2018.

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