

ESSB 5925 - H AMD TO CRJ COMM AMD (TO H-3668.1/26) **2159**

By Representative Walsh

NOT ADOPTED 03/04/2026

1 On page 1 of the striking amendment, strike all material after
2 line 2 and insert the following:

3 NEW SECTION. **Sec. 1.** A new section is added to chapter 43.10
4 RCW to read as follows:

5 When the attorney general believes that facts and circumstances
6 lead to a reasonable suspicion of possible violations of the United
7 States Constitution, Washington state Constitution, RCW 10.93.160
8 and 43.10.315, and chapters 39.12, 49.46, 49.48, 49.52, 49.60, and
9 70.48 RCW, the attorney general may petition under section 2 of this
10 act for appointment of a statewide special inquiry judge for
11 purposes of investigating such violations and obtaining orders
12 requiring a person or entity to produce documentary material, answer
13 written interrogatories, or provide oral testimony that may be
14 relevant to the investigation.

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16 NEW SECTION. **Sec. 2.** A new section is added to chapter 10.29
17 RCW to read as follows:

18 (1) The attorney general may petition the Washington state
19 supreme court for appointment of a statewide special inquiry judge
20 for purposes of investigating possible violations of the state or
21 federal constitutions or state statutes specified under section 1 of
22 this act. The petition must state the general subject matter of the
23 investigation and the reasons why a statewide special inquiry judge
24 should be authorized. If the petition is granted, the supreme court
25 shall designate a judge of the superior court to act as a special
26 inquiry judge. The petition is confidential and not subject to
27 examination or public disclosure pursuant to chapter 42.56 RCW. The

1 scope of the investigation and the statewide special inquiry judge
2 proceeding is limited to the general subject matter identified in
3 the petition.

4 (2) The attorney general may petition the statewide special
5 inquiry judge for an order directing any person or entity to produce
6 documentary material and permit inspection or copying, answer
7 written interrogatories, or provide oral testimony. The statewide
8 special inquiry judge may grant the petition if it finds reason to
9 believe the person or entity may be able to provide material
10 evidence or give material testimony concerning possible violations
11 of state or federal law identified in the petition.

12 (3) Documentary material, answers to written interrogatories, or
13 transcripts of oral testimony produced pursuant to an order of the
14 statewide special inquiry judge shall not be produced for inspection
15 or copying by, nor shall the contents thereof be disclosed to anyone
16 other than an authorized employee of the attorney general, without
17 the consent of the person or entity who produced such material,
18 answered written interrogatories, or gave oral testimony, except as
19 otherwise ordered by the statewide special inquiry judge for good
20 cause shown.

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22 **Sec. 3.** RCW 10.29.050 and 2010 c 8 s 1027 are each amended to
23 read as follows:

24 A statewide special inquiry judge shall have the following
25 powers and duties:

26 (1) To hear and receive evidence of crime and corruption, and to
27 hear and receive evidence relating to civil investigations initiated
28 by the attorney general under section 2 of this act.

29 (2) To appoint a reporter to record the proceedings; and to
30 swear the reporter not to disclose any testimony or the name of any
31 witness except as provided in RCW 10.27.090.

32 (3) Whenever necessary, to appoint an interpreter, and to swear
33 him or her not to disclose any testimony or the name of any witness
34 except as provided in RCW 10.27.090.

1 (4) When a person held in official custody is a witness before a
2 statewide special inquiry judge, a public servant, assigned to guard
3 him or her during his or her appearance may accompany him or her.
4 The statewide special inquiry judge shall swear such public servant
5 not to disclose any testimony or the name of any witness except as
6 provided in RCW 10.27.090.

7 (5) To cause to be called as a witness any person believed by
8 him or her to possess relevant information or knowledge. If the
9 statewide special inquiry judge desires to hear any such witness who
10 was not called by the special prosecutor, it may direct the special
11 prosecutor to issue and serve a subpoena upon such witness and the
12 special prosecutor must comply with such direction. At any time
13 after service of such subpoena and before the return date thereof,
14 however, the special prosecutor may apply to the statewide special
15 inquiry judge for an order vacating or modifying the subpoena on the
16 grounds that such is in the public interest. Upon such application,
17 the statewide special inquiry judge may in its discretion vacate the
18 subpoena, extend its return date, attach reasonable conditions to
19 directions, or make such other qualification thereof as is
20 appropriate.

21 (6) Upon a showing of good cause may make available any or all
22 evidence obtained to any other public attorney, prosecuting
23 attorney, city attorney, or corporation counsel upon proper
24 application and with the concurrence of the special prosecutor. Any
25 witness' testimony, given before a statewide special inquiry judge
26 and relevant to any subsequent proceeding against the witness, shall
27 be made available to the witness upon proper application to the
28 statewide special inquiry judge. The statewide special inquiry judge
29 may also, upon proper application and upon a showing of good cause,
30 make available to a defendant in a subsequent criminal proceeding
31 other testimony or evidence when given or presented before a special
32 inquiry judge, if doing so is in the furtherance of justice.

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1 (7) Have authority to perform such other duties as may be
2 required to effectively implement this chapter, in accord with rules
3 adopted by the supreme court relating to these proceedings.

4 (8) Have authority to hold in contempt of court any person who
5 shall disclose the name or testimony of a witness examined before a
6 statewide special inquiry judge except when required by a court to
7 disclose the testimony given before such statewide special inquiry
8 judge in a subsequent criminal proceeding."

EFFECT: Strikes provisions giving authority to the Attorney General to issue civil investigative demands when facts and circumstances reasonably lead to possible violations of the state and federal constitutions and specified statutory provisions.

Provides instead that when the Attorney General has reason to suspect a violation of the state or federal constitutions or specified state statutes, the Attorney General may petition the Washington Supreme Court for appointment of a statewide special inquiry judge (SIJ). Gives authority for a statewide SIJ to hear and receive evidence relating to civil investigations initiated by the Attorney General.

Provides that upon petition of the Attorney General, the statewide SIJ may issue an order directing a person or entity to produce documents and permit inspection and copying, answer written interrogatories, and provide oral testimony, if the statewide SIJ finds reason to believe the person or entity may be able to provide material evidence or give material testimony concerning possible violations of state or federal law identified in the petition.

Provides that materials and information produced by a person or entity must not be disclosed to anyone other than an authorized employee of the Attorney General's Office without the consent of the person or entity who produced such material, answered written interrogatories, or gave oral testimony, except as otherwise ordered by the statewide special inquiry judge for good cause shown.

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