
SUBSTITUTE SENATE BILL 5725

State of Washington

54th Legislature

1995 Regular Session

By Senate Committee on Law & Justice (originally sponsored by Senators Smith, Roach and Schow)

Read first time 02/22/95.

1 AN ACT Relating to privileged communications; and amending RCW
2 5.60.060.

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

4 **Sec. 1.** RCW 5.60.060 and 1989 c 271 s 301 are each amended to read
5 as follows:

6 (1) A husband shall not be examined for or against his wife,
7 without the consent of the wife, nor a wife for or against her husband
8 without the consent of the husband; nor can either during marriage or
9 afterward, be without the consent of the other, examined as to any
10 communication made by one to the other during marriage. But this
11 exception shall not apply to a civil action or proceeding by one
12 against the other, nor to a criminal action or proceeding for a crime
13 committed by one against the other, nor to a criminal action or
14 proceeding against a spouse if the marriage occurred subsequent to the
15 filing of formal charges against the defendant, nor to a criminal
16 action or proceeding for a crime committed by said husband or wife
17 against any child of whom said husband or wife is the parent or
18 guardian, nor to a proceeding under chapter 70.96A or 71.05 RCW:
19 PROVIDED, That the spouse of a person sought to be detained under

1 chapter 70.96A or 71.05 RCW may not be compelled to testify and shall
2 be so informed by the court prior to being called as a witness.

3 (2) An attorney or counselor shall not, without the consent of his
4 or her client, be examined as to any communication made by the client
5 to him or her, or his or her advice given thereon in the course of
6 professional employment.

7 (3) A member of the clergy or a priest shall not, without the
8 consent of a person making the confession, be examined as to any
9 confession made to him or her in his or her professional character, in
10 the course of discipline enjoined by the church to which he or she
11 belongs.

12 (4) Subject to the limitations under RCW 70.96A.140 or 71.05.250,
13 a physician or surgeon or osteopathic physician or surgeon shall not,
14 without the consent of his or her patient, be examined in a civil
15 action as to any information acquired in attending such patient, which
16 was necessary to enable him or her to prescribe or act for the patient,
17 except as follows:

18 (a) In any judicial proceedings regarding a child's injury,
19 neglect, or sexual abuse or the cause thereof; and

20 (b) Ninety days after filing an action for personal injuries or
21 wrongful death, the claimant shall be deemed to waive the physician-
22 patient privilege. Waiver of the physician-patient privilege for any
23 one physician or condition constitutes a waiver of the privilege as to
24 all physicians or conditions, subject to such limitations as a court
25 may impose pursuant to court rules.

26 (5) A public officer shall not be examined as a witness as to
27 communications made to him or her in official confidence, when the
28 public interest would suffer by the disclosure.

29 (6)(a) A peer support group counselor shall not, without consent of
30 the law enforcement officer making the communication, be compelled to
31 testify about any communication made to the counselor by the officer
32 while receiving counseling. The counselor must be designated as such
33 by the sheriff, police chief, or chief of the Washington state patrol,
34 prior to the incident that results in counseling. The privilege only
35 applies when the communication was made to the counselor while acting
36 in his or her capacity as a peer support group counselor. The
37 privilege does not apply if the counselor was an initial responding
38 officer, a witness, or a party to the incident which prompted the

1 delivery of peer support group counseling services to the law
2 enforcement officer.

3 (b) For purposes of this section, "peer support group counselor"
4 means a:

5 (i) Law enforcement officer, or civilian employee of a law
6 enforcement agency, who has received training to provide emotional and
7 moral support and counseling to an officer who needs those services as
8 a result of an incident in which the officer was involved while acting
9 in his or her official capacity; or

10 (ii) Nonemployee counselor who has been designated by the sheriff,
11 police chief, or chief of the Washington state patrol to provide
12 emotional and moral support and counseling to an officer who needs
13 those services as a result of an incident in which the officer was
14 involved while acting in his or her official capacity.

--- END ---