

1 **HB 3041 - H AMDS 949 ADOPTED**

2 By Representative Cooke

3 On page 2, line 3, after staff member- strike is a witness to-
4 and insert has direct knowledge of-

5 On page 2, after line 12, insert:

6 (4) The ombudsman or ombudsman's staff member has direct
7 knowledge of a failure by any person specified in RCW 26.44.030,
8 including the state family and children's ombudsman or any volunteer in
9 the ombudsman's office, to comply with RCW 26.44.030.-

10 On page 2, after line 12, insert:

11 NEW SECTION. **Sec. 3.** A new section is added to chapter 43.06A
12 RCW to read as follows:

13 Nothing in this chapter shall be construed to conflict with the
14 duty to report specified in RCW 26.44.030.-

15 Renumber the remaining sections consecutively and correct the
16 title.

EFFECT: Changes requirement that the ombudsman or ombudsman's staff member be a witness to- an alleged felony, and provides that the ombudsman or ombudsman's staff need only have direct knowledge of- an alleged felony in order to be exempted from the testimonial privilege. Adds an additional exception to the ombudsman's privilege when the ombudsman, or his or her staff, is aware of a failure by any person listed in RCW 26.44.030 to comply with the duty to report, or cause a report to be made, when he or she has reasonable cause to believe that a child or adult dependent or developmentally disabled person, has suffered abuse or neglect. Clarifies that the ombudsman's testimonial privilege shall not be construed to conflict with the duty of the ombudsman or ombudsman's staff to make a report, as required by RCW 26.44.030, when she or he has reasonable cause to believe that a child or adult dependent or developmentally disabled person, has

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suffered abuse or neglect.