

SENATE BILL REPORT

HB 2366

As Reported By Senate Committee On:
Judiciary, February 23, 2006

Title: An act relating to privileged communications by fire fighters.

Brief Description: Making certain communications between fire fighters and peer support group counselors privileged.

Sponsors: Representatives B. Sullivan, Appleton, Moeller, Buck, Haler, Fromhold, Ericks, Strow, Simpson, Campbell and Ormsby.

Brief History: Passed House: 2/07/06, 98-0.

Committee Activity: Judiciary: 2/22/06, 2/23/06 [DP].

SENATE COMMITTEE ON JUDICIARY

Majority Report: Do pass.

Signed by Senators Kline, Chair; Weinstein, Vice Chair; Johnson, Ranking Minority Member; Esser, Hargrove, Rasmussen and Thibaudeau.

Staff: Aldo Melchiori (786-7439)

Background: The judiciary has inherent power to compel witnesses to appear and testify in judicial proceedings so that the court will receive all relevant evidence. Washington statutory law establishes a number of privileges, including communications between: (1) husband and wife; (2) attorney and client; (3) clergy and confessor; (4) physician and patient; (5) psychologist and client; (6) optometrist and client; (7) law enforcement peer support counselor and a law enforcement officer; and (8) sexual assault advocate and victim.

The law enforcement peer support counselor privilege protects communications made by a law enforcement officer to a designated peer support group counselor (PSGC). The PSGC cannot be compelled to testify in a judicial proceeding about the communication unless the law enforcement officer consents. This privilege applies only to communications made to a counselor acting in his or her capacity as a PSCG. The privilege does not apply if the counselor was an initial responding officer, a witness, or a party to the incident that prompted the counseling services to the law enforcement officer.

Summary of Bill: A testimonial privilege is created to protect communications made by a fire fighter to a PSCG while receiving counseling as the result of an incident in which the fire fighter was involved while acting in his or her official capacity. The privilege applies under the same circumstances and conditions required for the law enforcement officer PSCG privilege.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: The legislation simply allows for privileged communication so a firefighter can receive appropriate counseling that is necessary for his or her well-being and health.

Testimony Against: None.

Who Testified: No one.

Signed in, Unable to Testify & Submitted Written Testimony: Representative Sullivan, prime sponsor.