
SENATE BILL 5327

State of Washington 54th Legislature 1995 Regular Session

By Senators Kohl, Fairley, Smith and Prentice

Read first time 01/19/95. Referred to Committee on Law & Justice.

1 AN ACT Relating to the attorney-client privilege; 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)(a) An attorney or counselor shall not, without the consent of
4 his or her client, be examined as to any communication made by the
5 client to him or her, or his or her advice given thereon in the course
6 of professional employment.

7 (b) In any criminal proceeding, the act of contacting or retaining
8 an attorney shall not be admissible against any individual or entity
9 unless such act is done for the purpose of committing a future crime.

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

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

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

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

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

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