- 2 **EHB 3041** S COMM AMD
- 3 By Committee on Law & Justice
- 4 ADOPTED 3/6/98
- 5 Strike everything after the enacting clause and insert the
- 6 following:
- 7 "NEW SECTION. Sec. 1. A new section is added to chapter 43.06A
- 8 RCW to read as follows:
- 9 Neither the ombudsman nor the ombudsman's staff may be compelled,
- 10 in any judicial or administrative proceeding, to testify or to produce
- 11 evidence regarding the exercise of the official duties of the ombudsman
- 12 or of the ombudsman's staff. All related memoranda, work product,
- 13 notes, and case files of the ombudsman's office are confidential, are
- 14 not subject to discovery, judicial or administrative subpoena, or other
- 15 method of legal compulsion, and are not admissible in evidence in a
- 16 judicial or administrative proceeding. This section shall not apply to
- 17 the legislative oversight committee.
- 18 <u>NEW SECTION.</u> **Sec. 2.** A new section is added to chapter 43.06A RCW
- 19 to read as follows:
- The privilege described in section 1 of this act does not apply
- 21 when:
- 22 (1) The ombudsman or ombudsman's staff member has direct knowledge
- 23 of an alleged crime, and the testimony, evidence, or discovery sought
- 24 is relevant to that allegation;
- 25 (2) The ombudsman or a member of the ombudsman's staff has received
- 26 a threat of, or becomes aware of a risk of, imminent serious harm to
- 27 any person, and the testimony, evidence, or discovery sought is
- 28 relevant to that threat or risk;
- 29 (3) The ombudsman has been asked to provide general information
- 30 regarding the general operation of, or the general processes employed
- 31 at, the ombudsman's office; or
- 32 (4) The ombudsman or ombudsman's staff member has direct knowledge
- 33 of a failure by any person specified in RCW 26.44.030, including the
- 34 state family and children's ombudsman or any volunteer in the
- 35 ombudsman's office, to comply with RCW 26.44.030.

- 1 NEW SECTION. Sec. 3. When the ombudsman or ombudsman's staff
- 2 member has reasonable cause to believe that any public official,
- 3 employee, or other person has acted in a manner warranting criminal or
- 4 disciplinary proceedings, the ombudsman or ombudsman's staff member
- 5 shall report the matter, or cause a report to be made, to the
- 6 appropriate authorities.
- 7 <u>NEW SECTION.</u> **Sec. 4.** A new section is added to chapter 43.06A RCW
- 8 to read as follows:
- 9 Nothing in this chapter shall be construed to conflict with the
- 10 duty to report specified in RCW 26.44.030.
- 11 <u>NEW SECTION.</u> **Sec. 5.** If any provision of this act or its
- 12 application to any person or circumstance is held invalid, the
- 13 remainder of the act or the application of the provision to other
- 14 persons or circumstances is not affected.
- 15 <u>NEW SECTION.</u> **Sec. 6.** This act is necessary for the immediate
- 16 preservation of the public peace, health, or safety, or support of the
- 17 state government and its existing public institutions, and takes effect
- 18 immediately."
- 19 **EHB 3041** S COMM AMD
- 20 By Committee on Law & Justice
- 21 ADOPTED 3/6/98
- On page 1, line 3 of the title, after "proceedings;" strike the
- 23 remainder of the title and insert "adding new sections to chapter
- 24 43.06A RCW; creating a new section; and declaring an emergency."

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