
ENGROSSED HOUSE BILL 3041

State of Washington 55th Legislature 1998 Regular Session

By Representatives Cooke, Bush, Kastama and Tokuda

Read first time 01/27/98. Referred to Committee on Law & Justice.

1 AN ACT Relating to the exemption of the office of the family and
2 children's ombudsman from certain judicial and administrative
3 proceedings; adding new sections to chapter 43.06A RCW; creating a new
4 section; and declaring an emergency.

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

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 43.06A RCW
7 to read as follows:

8 Neither the ombudsman nor the ombudsman's staff may be compelled,
9 in any judicial or administrative proceeding, to testify or to produce
10 evidence regarding the exercise of the official duties of the ombudsman
11 or of the ombudsman's staff. All related memoranda, work product,
12 notes, and case files of the ombudsman's office are confidential, are
13 not subject to discovery, subpoena, or other method of legal
14 compulsion, and are not admissible in evidence in a judicial or
15 administrative proceeding.

16 NEW SECTION. **Sec. 2.** A new section is added to chapter 43.06A RCW
17 to read as follows:

1 The privilege described in section 1 of this act does not apply
2 when:

3 (1) The ombudsman or ombudsman's staff member has direct knowledge
4 of an alleged felony, and the testimony, evidence, or discovery sought
5 is relevant to that allegation;

6 (2) The ombudsman or a member of the ombudsman's staff has received
7 a threat of, or becomes aware of a risk of, imminent serious harm to
8 any person, and the testimony, evidence, or discovery sought is
9 relevant to that threat or risk;

10 (3) The ombudsman has been asked to provide general information
11 regarding the general operation of, or the general processes employed
12 at, the ombudsman's office; or

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

17 NEW SECTION. **Sec. 3.** When the ombudsman or ombudsman's staff
18 member has reasonable cause to believe that any public official,
19 employee, or other person has acted in a manner warranting criminal or
20 disciplinary proceedings, the ombudsman or ombudsman's staff member
21 shall report the matter, or cause a report to be made, to the
22 appropriate authorities.

23 NEW SECTION. **Sec. 4.** A new section is added to chapter 43.06A RCW
24 to read as follows:

25 Nothing in this chapter shall be construed to conflict with the
26 duty to report specified in RCW 26.44.030.

27 NEW SECTION. **Sec. 5.** If any provision of this act or its
28 application to any person or circumstance is held invalid, the
29 remainder of the act or the application of the provision to other
30 persons or circumstances is not affected.

31 NEW SECTION. **Sec. 6.** This act is necessary for the immediate
32 preservation of the public peace, health, or safety, or support of the

1 state government and its existing public institutions, and takes effect
2 immediately.

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