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HOUSE BILL 3041

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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; and declaring  
4 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 is a witness to an  
4 alleged felony, and the testimony, evidence, or discovery sought is  
5 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; or

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.

13       NEW SECTION.   **Sec. 3.**   If any provision of this act or its  
14 application to any person or circumstance is held invalid, the  
15 remainder of the act or the application of the provision to other  
16 persons or circumstances is not affected.

17       NEW SECTION.   **Sec. 4.**   This act is necessary for the immediate  
18 preservation of the public peace, health, or safety, or support of the  
19 state government and its existing public institutions, and takes effect  
20 immediately.

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