

# FINAL BILL REPORT

## SB 6429

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Synopsis as Enacted

**Brief Description:** Regulating the admissibility of benevolent gestures in civil actions.

**Sponsors:** Senators B. Sheldon, Johnson, Kline, Costa, McCaslin, Gardner, Long and Winsley;  
by request of Governor Locke and Attorney General.

**Senate Committee on Judiciary**

**House Committee on Judiciary**

**Background:** During the 2001 interim, Governor Locke and Attorney General Gregoire sponsored a Risk Management Task Force in response to increasing attention to incidents of severe harm to citizens and the increasing liability of the state for injuries and losses. The purpose of the task force was to identify how the state can deliver its difficult and risky programs and services in a way that better protects citizens of the state from harm or injury and that engages in the most effective risk management possible. The task force was comprised of a number of groups, including the Attorney General, legislators, agency directors and budget officials, risk managers, attorneys, and advisors from the University of Washington.

The Risk Management Task Force issued a number of recommendations in its final report. One of the recommendations of the task force is that an agency involved in a loss should consider visiting victims and their family members to express regret for the loss and consider offering services that might aid them in dealing with the loss.

Under state evidence laws, a statement of regret from an agency involved in a civil action would generally be admissible in the action since a statement by a party to a suit is admissible in court as long as it is relevant and not subject to a specific exclusion.

**Summary:** Statements, writings or benevolent gestures made to a person or the person's family that express sympathy or benevolence relating to the pain, suffering or death of the person involved in an accident are inadmissible as evidence in a civil action. A statement of fault is not made inadmissible under this provision.

**Votes on Final Passage:**

Senate	46 0
House	90 3

**Effective:** June 13, 2002