

2353-S

Sponsor(s): House Committee on Judiciary (originally sponsored by Representatives Alexander, Lantz, Miloscia and Esser; by request of Governor Locke and Attorney General)

Brief Description: Providing for loss prevention review teams.

HB 2353-S.E - DIGEST

(AS OF HOUSE 2ND READING 2/16/02)

Declares an intent that when the death of a person, serious injury to a person, or other substantial loss is alleged or suspected to be caused at least in part by the actions of a state agency, a loss prevention review shall be conducted.

Recognizes the tension inherent in a loss prevention review and the need to balance the prevention of harm to the public with state agencies' accountability to the public.

Declares an intent to minimize this tension and to foster open and frank discussions by granting members of the loss prevention review teams protection from having to testify, and by declaring a general rule that the work product of these teams is inadmissible in civil actions or administrative proceedings.

Requires the director of financial management to appoint a loss prevention review team when the death of a person, serious injury to a person, or other substantial loss is alleged or suspected to be caused at least in part by the actions of a state agency, unless the director in his or her discretion determines that the incident does not merit review.

Provides that the final report from a loss prevention review team to the director of financial management shall be made public by the director promptly upon receipt, and shall be subject to public disclosure. The final report shall be subject to discovery in a civil or administrative proceeding. However, the final report shall not be admitted into evidence or otherwise used in a civil or administrative proceeding except pursuant to provisions of this act.

Declares that no member of a loss prevention review team may be examined in a civil or administrative proceeding as to: (1) The work of the loss prevention review team;

(2) The incident under review;

(3) His or her statements, deliberations, thoughts, analyses, or impressions relating to the work of the loss prevention review team or the incident under review; or

(4) The statements, deliberations, thoughts, analyses, or impressions of any other member of the loss prevention review team, or any person who provided information to it, relating to the work of the loss prevention review team or the incident under review.

Provides that nothing in this act is intended to limit the scope of a legislative inquiry into or review of an incident that is the subject of a loss prevention review.