

FINAL BILL REPORT

HB 2366

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Synopsis as Enacted

Brief Description: Making certain communications between fire fighters and peer support group counselors privileged.

Sponsors: By Representatives B. Sullivan, Appleton, Moeller, Buck, Haler, Fromhold, Ericks, Strow, Simpson, Campbell and Ormsby.

House Committee on Judiciary
Senate Committee on Judiciary

Background:

The judiciary has inherent power to compel witnesses to appear and testify in judicial proceedings so that the court will receive all relevant evidence. However, the common law and statutory law recognize exceptions to compelled testimony in some circumstances, including "testimonial privileges." Privileges are recognized when certain classes of relationships or communications within those relationships are deemed of such importance that they should be protected.

Washington statutory law establishes a number of privileges, including communications between the following persons: (1) husband and wife; (2) attorney and client; (3) clergy and confessor; (4) physician and patient; (5) psychologist and client; (6) optometrist and client; (7) law enforcement peer support counselor and a law enforcement officer; and (8) sexual assault advocate and victim.

The law enforcement peer support counselor privilege protects communications made by a law enforcement officer to a designated peer support group counselor while receiving counseling. The peer support group counselor may not be compelled to testify in a judicial proceeding about the communication unless the law enforcement officer consents to disclosure. This privilege applies only to communications made to a counselor acting in his or her capacity as a peer support group counselor. The privilege does not apply if the counselor was an initial responding officer, a witness, or a party to the incident that prompted the counseling services to the law enforcement officer.

A peer support group counselor is a person who has received training to provide emotional and moral support and counseling to an officer who needs these services as a result of an incident in which the officer was involved while acting in his or her official capacity.

Summary:

A testimonial privilege is created to protect communications made by a fire fighter to a peer support group counselor while receiving counseling as the result of an incident in which the

fire fighter was involved while acting in his or her official capacity. The privilege applies under the same circumstances and conditions required for the law enforcement officer peer support group counselor privilege.

Votes on Final Passage:

House 98 0

Senate 47 0

Effective: June 7, 2006