
Judiciary Committee

HB 2454

Title: An act relating to the privilege for sexual assault advocates.

Brief Description: Revising the privilege for sexual assault advocates.

Sponsors: Representatives Williams, Lantz, Darneille, Morrell, O'Brien and Green.

<p style="text-align: center;">Brief Summary of Bill</p> <ul style="list-style-type: none">• Makes communications "made between" a sexual assault victim and sexual assault advocate privileged, as opposed to communications "made by" the victim to the advocate.
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Hearing Date: 1/18/06

Staff: Trudes Tango (786-7384).

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's privilege statute lists a number of privileges, including: (a) communications made between attorney and client; (b) confessions made to clergy; (c) information acquired by a doctor attending a patient; (d) communications made to a public officer in his or her official confidence when the public interest would suffer by disclosure; (e) communications made to a peer support group counselor by a law enforcement officer; and (f) communications made by a sexual assault victim to a sexual assault advocate.

A sexual assault advocate is an employee or volunteer of a rape crisis center, victim assistance unit, program, or association, that provides information, medical or legal advocacy, counseling, or support to victims of sexual assault, and who is designated by the victim to accompany the victim to the hospital or other health care facility and to proceedings, including police and prosecution interviews, concerning the alleged assault.

Summary of Bill:

The language in the privilege statute applicable to sexual assault victims and advocates is changed. The privilege applies to communications *made between* the victim and advocate, instead of communications made *by* the victim *to* the advocate.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.