

CERTIFICATION OF ENROLLMENT  
**SUBSTITUTE SENATE BILL 6100**

62nd Legislature  
2012 Regular Session

Passed by the Senate February 10, 2012  
YEAS 47 NAYS 0

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**President of the Senate**

Passed by the House February 27, 2012  
YEAS 96 NAYS 0

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**Speaker of the House of Representatives**

Approved

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**Governor of the State of Washington**

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 6100** as passed by the Senate and the House of Representatives on the dates hereon set forth.

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**Secretary**

FILED

**Secretary of State  
State of Washington**

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**SUBSTITUTE SENATE BILL 6100**

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Passed Legislature - 2012 Regular Session

**State of Washington                      62nd Legislature                      2012 Regular Session**

**By** Senate Human Services & Corrections (originally sponsored by  
Senators Hargrove and Roach)

READ FIRST TIME 01/24/12.

1            AN ACT Relating to clarifying and updating the administration of  
2 sexual assault grant programs by the department of commerce; amending  
3 RCW 43.280.010, 43.280.011, 43.280.020, 43.280.050, 43.280.060,  
4 43.280.070, 43.280.080, 43.280.090, 70.125.020, 70.125.065, 5.60.060,  
5 and 42.56.370; reenacting and amending RCW 70.125.030; and repealing  
6 RCW 43.280.030, 43.280.081, 74.14B.060, 70.125.040, 70.125.050,  
7 70.125.055, and 70.125.080.

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

9            **Sec. 1.** RCW 43.280.010 and 1996 c 123 s 2 are each amended to read  
10 as follows:

11            The legislature recognizes the need to increase the services  
12 available to the victims of (~~sex-offenders~~) sexual assault. The  
13 legislature also recognizes that these services are most effectively  
14 planned and provided at the local level through the combined efforts of  
15 concerned community and citizens groups, treatment providers, and local  
16 government officials. The legislature further recognizes that adequate  
17 (~~treatment~~) services for victims is not only a matter of justice for  
18 the victim, but also a method by which additional abuse can be  
19 prevented.

1 The legislature intends to enhance the community-based  
2 ((~~treatment~~)) services available to the victims of ((~~sex-offenders~~))  
3 sexual assault by:

4 (1) Providing consolidated funding support for local ((~~treatment~~))  
5 programs which provide services to victims of ((~~sex-offenders~~)) sexual  
6 assault, as defined in RCW 70.125.030;

7 (2) Providing technical assistance and support to help communities  
8 plan for and provide ((~~treatment~~)) victim services;

9 (3) Providing sexual assault services with a victim-focused  
10 mission, and consistent standards, policies, and ((~~contracting~~))  
11 granting and reporting requirements; and

12 (4) Providing communities and local ((~~treatment~~)) victim service  
13 providers with opportunities to share information about successful  
14 prevention and treatment programs.

15 **Sec. 2.** RCW 43.280.011 and 1996 c 123 s 1 are each amended to read  
16 as follows:

17 The Washington state sexual assault services advisory committee  
18 issued a report to the department of ((~~community, trade, and economic~~  
19 ~~development~~)) commerce and the department of social and health services  
20 in June of 1995. The committee made several recommendations to improve  
21 the delivery of services to victims of sexual ((~~abuse and~~)) assault:

22 (1) Consolidate the administration and funding of sexual assault and  
23 abuse services in one agency instead of splitting those functions  
24 between the department of social and health services and the department  
25 of ((~~community, trade, and economic development~~)) commerce; (2) adopt  
26 a funding allocation plan to pool all funds for sexual assault services  
27 and to distribute them across the state to ensure the delivery of core  
28 and specialized services; (3) establish service, data collection, and  
29 management standards and outcome measurements for recipients of grants;  
30 and (4) create a data collection system to gather pertinent data  
31 concerning the delivery of sexual assault services to victims.

32 The legislature approves the recommendations of the advisory  
33 committee and consolidates the functions and funding for sexual assault  
34 services in the department of ((~~community, trade, and economic~~  
35 ~~development~~)) commerce to implement the advisory committee's  
36 recommendations.

1 ((The legislature does not intend to effect a reduction in service  
2 levels within available funding by transferring department of social  
3 and health services' powers and duties to the department of community,  
4 trade, and economic development. At a minimum, the department of  
5 community, trade, and economic development shall distribute the same  
6 percentage of the services it provides victims of sexual assault and  
7 abuse, pursuant to RCW 43.280.020, 70.125.080, and 74.14B.060, to  
8 children as were distributed to children through these programs in  
9 fiscal year 1996.))

10 **Sec. 3.** RCW 43.280.020 and 1996 c 123 s 3 are each amended to read  
11 as follows:

12 ((There is established in)) (1) The department of ((community,  
13 trade, and economic development a grant program to enhance the funding  
14 for treating the victims of sex offenders)) commerce is authorized to  
15 distribute funds that have been allocated to the grant program that it  
16 administers for serving victims of sexual assault.

17 (2) Activities that can be funded through this grant program are  
18 limited to those that:

19 ((+1)) (a) Provide effective ((treatment)) services to victims of  
20 ((sex offenders)) sexual assault;

21 ((+2)) (b) Increase access to and availability of ((treatment))  
22 services for victims of ((sex offenders)) sexual assault, particularly  
23 if from underserved populations; and

24 ((+3)) (c) Create or build on efforts by existing community  
25 programs, coordinate those efforts, or develop cooperative efforts or  
26 other initiatives to make the most effective use of resources to  
27 provide treatment services to these victims.

28 (3) Funding ((shall be given)) for core, specialized, and  
29 underserved populations services, as defined in RCW 70.125.030, must be  
30 distributed through a funding formula to those applicants that  
31 emphasize providing stable, victim-((focused)) centered sexual  
32 ((abuse)) assault services and possess the qualifications to provide  
33 ((core)) those services((, as defined in RCW 70.125.030.

34 ~~Funds for specialized services, as defined in RCW 70.125.030, shall~~  
35 ~~be disbursed through the request for proposal or request for~~  
36 ~~qualifications process)).~~

1       (4) The department of commerce shall ensure that grant recipients  
2 assist victims to utilize private insurance and crime victims'  
3 compensation benefits first before grant funds are used for therapy  
4 services.

5       **Sec. 4.** RCW 43.280.050 and 1996 c 123 s 4 are each amended to read  
6 as follows:

7       (1) At a minimum, grant applications for specialized and  
8 underserved services must include the following:

9       ~~((+1))~~ (a) The geographic area from which the victims to be served  
10 are expected to come;

11       ~~((+2))~~ (b) A description of the extent and effect of the needs of  
12 these victims within the relevant geographic area;

13       ~~((+3))~~ (c) A proposed budget and an explanation of how the funds  
14 will be used, their relationship to existing services available within  
15 the community, and the need that they will fulfill;

16       ~~((+4))~~ (d) An explanation of what community organizations were  
17 involved in the community coordination that resulted in the development  
18 of the proposal; and

19       ~~((+5))~~ (e) Documentation of the applicant's capacity to provide  
20 ~~((core—and))~~ specialized services and services for underserved  
21 populations, as defined in ((RCW 70.125.030, provided by the  
22 ~~applicant,))~~ this chapter, and a description of how the applicant  
23 intends to comply with service((7)) standards and data collection((7  
24 ~~and management standards)) as established by the department((7 and  
25 ~~(6) An evaluation methodology)).~~~~

26       (2) At a minimum, grant applications for core services must include  
27 the following:

28       (a) The geographic area from which the victims to be served are  
29 expected to come;

30       (b) Assurance of the applicant's compliance with service standards,  
31 data collection, and management standards established by the  
32 department; and

33       (c) Documentation of the applicant's capacity to provide core  
34 services, as defined in this chapter.

35       **Sec. 5.** RCW 43.280.060 and 1996 c 123 s 5 are each amended to read  
36 as follows:

1 (1) Subject to funds appropriated by the legislature, the  
2 department of (~~community, trade, and economic development~~) commerce  
3 shall make awards under the grant program established by RCW  
4 43.280.020.

5 (2) (~~To aid the department of community, trade, and economic~~  
6 ~~development in making its funding determinations, the department shall~~  
7 ~~form a peer review committee comprised of individuals who are~~  
8 ~~knowledgeable or experienced in the management or delivery of treatment~~  
9 ~~services to victims of sex offenders. The peer review committee shall~~  
10 ~~advise the department on the extent to which each eligible applicant~~  
11 ~~meets the treatment and management standards, as developed by the~~  
12 ~~department. The department shall consider this advice in making~~  
13 ~~awards.~~

14 (~~3~~) Activities funded under this section may be considered for  
15 funding in future years, but shall be considered under the same terms  
16 and criteria as new activities. Funding under this chapter shall not  
17 constitute an obligation by the state of Washington to provide ongoing  
18 funding.

19 **Sec. 6.** RCW 43.280.070 and 1995 c 399 s 115 are each amended to  
20 read as follows:

21 The department of (~~community, trade, and economic development~~)  
22 commerce may receive such gifts, grants, and endowments from public or  
23 private sources as may be made from time to time, in trust or  
24 otherwise, for the use and benefit of the purposes of this chapter and  
25 expend the same or any income therefrom according to the terms of the  
26 gifts, grants, or endowments.

27 **Sec. 7.** RCW 43.280.080 and 1995 c 241 s 1 are each amended to read  
28 as follows:

29 The office of crime victims advocacy is established in the  
30 department of (~~community, trade, and economic development~~) commerce.  
31 The office shall assist communities in planning and implementing  
32 services for crime victims, advocate on behalf of crime victims in  
33 obtaining needed services and resources, and advise local and state  
34 governments on practices, policies, and priorities that impact crime  
35 victims. In addition, the office shall administer grant programs for  
36 (~~sexual assault treatment and prevention services, as authorized in~~

1 ~~this chapter~~) services to victims of crime and prevention activities  
2 as authorized by state or federal legislation, budget, or executive  
3 order. The department shall seek, receive, and make use of any funds  
4 which may be available from federal or other sources to augment state  
5 funds appropriated for the purpose of this section, and shall make  
6 every effort to qualify for federal funding.

7 **Sec. 8.** RCW 43.280.090 and 1995 c 269 s 2102 are each amended to  
8 read as follows:

9 The director of the department of ~~((community, trade, and economic~~  
10 ~~development))~~ commerce may establish ad hoc advisory committees, as  
11 necessary, to obtain advice and guidance regarding the office of crime  
12 victims advocacy program.

13 **Sec. 9.** RCW 70.125.020 and 1979 ex.s. c 219 s 2 are each amended  
14 to read as follows:

15 ~~((1))~~) The legislature hereby finds and declares that:

16 ~~((a) Sexual assault has become one of the most rapidly increasing~~  
17 ~~violent crimes over the last decade;~~

18 ~~(b) There is a lack of essential information and data concerning~~  
19 ~~sexual assault;~~

20 ~~(c) There is a lack of adequate training for law enforcement~~  
21 ~~officers concerning sexual assault, the victim, the offender, and the~~  
22 ~~investigation;~~

23 ~~(d) There is a lack of community awareness and knowledge concerning~~  
24 ~~sexual assault and the physical and psychological impact upon the~~  
25 ~~victim;~~

26 ~~(e) There is a lack of public information concerning sexual assault~~  
27 ~~prevention and personal self-protection;~~

28 ~~(f) Because of the lack of information, training, and services, the~~  
29 ~~victims of sexual assault are not receiving the assistance they require~~  
30 ~~in dealing with the physical and psychological trauma of a sexual~~  
31 ~~assault;~~

32 ~~(g) The criminal justice system and health care system should~~  
33 ~~maintain close contact and cooperation with each other and with~~  
34 ~~community rape crisis centers to expedite the disposition of sexual~~  
35 ~~assault cases; and~~

1 ~~(h))~~ (1) Sexual assault is a serious crime in society, affecting  
2 a large number of children, women, and men each year;

3 (2) Efforts over many years to distribute information and collect  
4 data have demonstrated the incidence of sexual assault that continues  
5 to impact communities, families, and individuals;

6 (3) Over the past three decades, law enforcement, prosecutors,  
7 medical professionals, educators, mental health providers, public  
8 health professionals, and victim advocates have benefited from a  
9 commitment to training and learning regarding appropriate responses to  
10 and services for victims of sexual assault;

11 (4) This same effort has resulted in increased public awareness of  
12 sexual assault and its impact on communities, families, and  
13 individuals;

14 (5) Law enforcement, prosecutors, medical professionals, educators,  
15 mental health providers, public health professionals, and victim  
16 advocates should continue to work closely and collaboratively to  
17 improve responses to and services for victims of sexual assault;

18 (6) The physical, emotional, financial, and psychological needs of  
19 victims and their families are particularly well-served by timely and  
20 effective services provided in local communities; and

21 (7) Persons who are victims of sexual assault ((will)) benefit  
22 directly from ((increased)) continued public awareness and education,  
23 ((increased)) prosecutions of offenders, ((and)) a criminal justice  
24 system which treats them in a humane manner, and access to victim-  
25 centered, culturally relevant services.

26 ~~((2) Therefore, a statewide sexual assault education, training,~~  
27 ~~and consultation program should be developed. Such a statewide program~~  
28 ~~should seek to improve treatment of victims through information-~~  
29 ~~gathering, education, training, community awareness programs, and by~~  
30 ~~increasing the efficiency of the criminal justice and health care~~  
31 ~~systems as they relate to sexual assault. Such a program should serve~~  
32 ~~a consultative and facilitative function for organizations which~~  
33 ~~provide services to victims and potential victims of sexual assault.))~~

34 **Sec. 10.** RCW 70.125.030 and 2009 c 565 s 50 are each reenacted and  
35 amended to read as follows:

36 ~~((As used in this chapter and unless the context indicates~~



1 ~~otherwise+))~~ The definitions in this section apply throughout this  
2 chapter unless the context clearly requires otherwise.

3 (1) "Community sexual assault program" means a community-based  
4 social service agency that is qualified to provide and provides core  
5 services to victims of sexual assault.

6 (2) "Core services" means (~~treatment services for victims of~~  
7 ~~sexual assault including information and referral, crisis intervention,~~  
8 ~~medical advocacy, legal advocacy, support, system coordination, and~~  
9 ~~prevention for potential victims of sexual assault)) those services  
10 that are victim-centered community-based advocacy responses to  
11 alleviate the impact of sexual assault, as delineated in the Washington  
12 state sexual assault services plan of 1995 and its subsequent  
13 revisions.~~

14 (3) "Department" means the department of commerce.

15 (4) "Law enforcement agencies" means police and sheriff's  
16 departments and tribal law enforcement departments or agencies of this  
17 state.

18 (5) "Personal representative" means a friend, relative, attorney,  
19 or employee or volunteer from a community sexual assault program or  
20 specialized treatment service provider.

21 (6) (~~"Rape crisis center" means a community-based social service~~  
22 ~~agency which provides services to victims of sexual assault.))  
23 "Services for underserved populations" means culturally relevant  
24 victim-centered community-based advocacy responses to alleviate the  
25 impact of sexual assault, as delineated in the Washington state sexual  
26 assault services plan of 1995 and its subsequent revisions.~~

27 (7) "Sexual assault" means one or more of the following:

28 (a) Rape or rape of a child;

29 (b) Assault with intent to commit rape or rape of a child;

30 (c) Incest or indecent liberties;

31 (d) Child molestation;

32 (e) Sexual misconduct with a minor;

33 (f) Custodial sexual misconduct;

34 (g) Crimes with a sexual motivation; (~~or~~)

35 (h) Sexual exploitation or commercial sex abuse of a minor;

36 (i) Promoting prostitution; or

37 (j) An attempt to commit any of the aforementioned offenses.

1 (8) "~~Specialized services~~" means (~~(treatment services for victims~~  
2 ~~of sexual assault including support groups, therapy, and specialized~~  
3 ~~sexual assault medical examination)) those services intended to  
4 alleviate the impact of sexual assault, as delineated in the Washington  
5 state sexual assault services plan of 1995 and its subsequent  
6 revisions.~~

7 (9) "Victim" means any person who suffers physical (~~(and/or mental~~  
8 ~~anguish)), emotional, financial, and psychological impact as a  
9 proximate result of a sexual assault.~~

10 **Sec. 11.** RCW 70.125.065 and 1981 c 145 s 9 are each amended to  
11 read as follows:

12 Records maintained by (~~(rape crisis centers)) a community sexual  
13 assault program and underserved populations provider shall not be made  
14 available to any defense attorney as part of discovery in a sexual  
15 assault case unless:~~

16 (1) A written pretrial motion is made by the defendant to the court  
17 stating that the defendant is requesting discovery of the (~~(rape crisis~~  
18 ~~center's)) community sexual assault program or underserved populations  
19 provider records;~~

20 (2) The written motion is accompanied by an affidavit or affidavits  
21 setting forth specifically the reasons why the defendant is requesting  
22 discovery of the (~~(rape crisis center's)) community sexual assault  
23 program or underserved populations provider records;~~

24 (3) The court reviews the (~~(rape crisis center's)) community sexual  
25 assault program or underserved populations provider records in camera  
26 to determine whether the (~~(rape crisis center's)) community sexual  
27 assault program or underserved populations provider records are  
28 relevant and whether the probative value of the records is outweighed  
29 by the victim's privacy interest in the confidentiality of such records  
30 taking into account the further trauma that may be inflicted upon the  
31 victim by the disclosure of the records to the defendant; and~~~~

32 (4) The court enters an order stating whether the records or any  
33 part of the records are discoverable and setting forth the basis for  
34 the court's findings.

35 **Sec. 12.** RCW 5.60.060 and 2009 c 424 s 1 are each amended to read  
36 as follows:

1 (1) A spouse or domestic partner shall not be examined for or  
2 against his or her spouse or domestic partner, without the consent of  
3 the spouse or domestic partner; nor can either during marriage or  
4 during the domestic partnership or afterward, be without the consent of  
5 the other, examined as to any communication made by one to the other  
6 during the marriage or the domestic partnership. But this exception  
7 shall not apply to a civil action or proceeding by one against the  
8 other, nor to a criminal action or proceeding for a crime committed by  
9 one against the other, nor to a criminal action or proceeding against  
10 a spouse or domestic partner if the marriage or the domestic  
11 partnership occurred subsequent to the filing of formal charges against  
12 the defendant, nor to a criminal action or proceeding for a crime  
13 committed by said spouse or domestic partner against any child of whom  
14 said spouse or domestic partner is the parent or guardian, nor to a  
15 proceeding under chapter 70.96A, 70.96B, 71.05, or 71.09 RCW:  
16 PROVIDED, That the spouse or the domestic partner of a person sought to  
17 be detained under chapter 70.96A, 70.96B, 71.05, or 71.09 RCW may not  
18 be compelled to testify and shall be so informed by the court prior to  
19 being called as a witness.

20 (2)(a) An attorney or counselor shall not, without the consent of  
21 his or her client, be examined as to any communication made by the  
22 client to him or her, or his or her advice given thereon in the course  
23 of professional employment.

24 (b) A parent or guardian of a minor child arrested on a criminal  
25 charge may not be examined as to a communication between the child and  
26 his or her attorney if the communication was made in the presence of  
27 the parent or guardian. This privilege does not extend to  
28 communications made prior to the arrest.

29 (3) A member of the clergy, a Christian Science practitioner listed  
30 in the Christian Science Journal, or a priest shall not, without the  
31 consent of a person making the confession or sacred confidence, be  
32 examined as to any confession or sacred confidence made to him or her  
33 in his or her professional character, in the course of discipline  
34 enjoined by the church to which he or she belongs.

35 (4) Subject to the limitations under RCW 70.96A.140 or 71.05.360  
36 (8) and (9), a physician or surgeon or osteopathic physician or surgeon  
37 or podiatric physician or surgeon shall not, without the consent of his

1 or her patient, be examined in a civil action as to any information  
2 acquired in attending such patient, which was necessary to enable him  
3 or her to prescribe or act for the patient, except as follows:

4 (a) In any judicial proceedings regarding a child's injury,  
5 neglect, or sexual abuse or the cause thereof; and

6 (b) Ninety days after filing an action for personal injuries or  
7 wrongful death, the claimant shall be deemed to waive the physician-  
8 patient privilege. Waiver of the physician-patient privilege for any  
9 one physician or condition constitutes a waiver of the privilege as to  
10 all physicians or conditions, subject to such limitations as a court  
11 may impose pursuant to court rules.

12 (5) A public officer shall not be examined as a witness as to  
13 communications made to him or her in official confidence, when the  
14 public interest would suffer by the disclosure.

15 (6)(a) A peer support group counselor shall not, without consent of  
16 the law enforcement officer or firefighter making the communication, be  
17 compelled to testify about any communication made to the counselor by  
18 the officer or firefighter while receiving counseling. The counselor  
19 must be designated as such by the sheriff, police chief, fire chief, or  
20 chief of the Washington state patrol, prior to the incident that  
21 results in counseling. The privilege only applies when the  
22 communication was made to the counselor while acting in his or her  
23 capacity as a peer support group counselor. The privilege does not  
24 apply if the counselor was an initial responding officer or  
25 firefighter, a witness, or a party to the incident which prompted the  
26 delivery of peer support group counseling services to the law  
27 enforcement officer or firefighter.

28 (b) For purposes of this section, "peer support group counselor"  
29 means a:

30 (i) Law enforcement officer, firefighter, civilian employee of a  
31 law enforcement agency, or civilian employee of a fire department, who  
32 has received training to provide emotional and moral support and  
33 counseling to an officer or firefighter who needs those services as a  
34 result of an incident in which the officer or firefighter was involved  
35 while acting in his or her official capacity; or

36 (ii) Nonemployee counselor who has been designated by the sheriff,  
37 police chief, fire chief, or chief of the Washington state patrol to  
38 provide emotional and moral support and counseling to an officer or

1 firefighter who needs those services as a result of an incident in  
2 which the officer or firefighter was involved while acting in his or  
3 her official capacity.

4 (7) A sexual assault advocate may not, without the consent of the  
5 victim, be examined as to any communication made between the victim and  
6 the sexual assault advocate.

7 (a) For purposes of this section, "sexual assault advocate" means  
8 the employee or volunteer from a (~~rape crisis center~~) community  
9 sexual assault program or underserved populations provider, victim  
10 assistance unit, program, or association, that provides information,  
11 medical or legal advocacy, counseling, or support to victims of sexual  
12 assault, who is designated by the victim to accompany the victim to the  
13 hospital or other health care facility and to proceedings concerning  
14 the alleged assault, including police and prosecution interviews and  
15 court proceedings.

16 (b) A sexual assault advocate may disclose a confidential  
17 communication without the consent of the victim if failure to disclose  
18 is likely to result in a clear, imminent risk of serious physical  
19 injury or death of the victim or another person. Any sexual assault  
20 advocate participating in good faith in the disclosing of records and  
21 communications under this section shall have immunity from any  
22 liability, civil, criminal, or otherwise, that might result from the  
23 action. In any proceeding, civil or criminal, arising out of a  
24 disclosure under this section, the good faith of the sexual assault  
25 advocate who disclosed the confidential communication shall be  
26 presumed.

27 (8) A domestic violence advocate may not, without the consent of  
28 the victim, be examined as to any communication between the victim and  
29 the domestic violence advocate.

30 (a) For purposes of this section, "domestic violence advocate"  
31 means an employee or supervised volunteer from a community-based  
32 domestic violence program or human services program that provides  
33 information, advocacy, counseling, crisis intervention, emergency  
34 shelter, or support to victims of domestic violence and who is not  
35 employed by, or under the direct supervision of, a law enforcement  
36 agency, a prosecutor's office, or the child protective services section  
37 of the department of social and health services as defined in RCW  
38 26.44.020.

1 (b) A domestic violence advocate may disclose a confidential  
2 communication without the consent of the victim if failure to disclose  
3 is likely to result in a clear, imminent risk of serious physical  
4 injury or death of the victim or another person. This section does not  
5 relieve a domestic violence advocate from the requirement to report or  
6 cause to be reported an incident under RCW 26.44.030(1) or to disclose  
7 relevant records relating to a child as required by RCW 26.44.030(12).  
8 Any domestic violence advocate participating in good faith in the  
9 disclosing of communications under this subsection is immune from  
10 liability, civil, criminal, or otherwise, that might result from the  
11 action. In any proceeding, civil or criminal, arising out of a  
12 disclosure under this subsection, the good faith of the domestic  
13 violence advocate who disclosed the confidential communication shall be  
14 presumed.

15 (9) A mental health counselor, independent clinical social worker,  
16 or marriage and family therapist licensed under chapter 18.225 RCW may  
17 not disclose, or be compelled to testify about, any information  
18 acquired from persons consulting the individual in a professional  
19 capacity when the information was necessary to enable the individual to  
20 render professional services to those persons except:

21 (a) With the written authorization of that person or, in the case  
22 of death or disability, the person's personal representative;

23 (b) If the person waives the privilege by bringing charges against  
24 the mental health counselor licensed under chapter 18.225 RCW;

25 (c) In response to a subpoena from the secretary of health. The  
26 secretary may subpoena only records related to a complaint or report  
27 under RCW 18.130.050;

28 (d) As required under chapter 26.44 or 74.34 RCW or RCW 71.05.360  
29 (8) and (9); or

30 (e) To any individual if the mental health counselor, independent  
31 clinical social worker, or marriage and family therapist licensed under  
32 chapter 18.225 RCW reasonably believes that disclosure will avoid or  
33 minimize an imminent danger to the health or safety of the individual  
34 or any other individual; however, there is no obligation on the part of  
35 the provider to so disclose.

36 **Sec. 13.** RCW 42.56.370 and 2005 c 274 s 417 are each amended to  
37 read as follows:

1 Client records maintained by an agency that is a domestic violence  
2 program as defined in RCW 70.123.020 or 70.123.075 or a (~~rape crisis~~  
3 ~~center~~) community sexual assault program or services for underserved  
4 populations as defined in RCW 70.125.030 are exempt from disclosure  
5 under this chapter.

6 NEW SECTION. **Sec. 14.** The following acts or parts of acts are  
7 each repealed:

8 (1) RCW 43.280.030 (Applications) and 1990 c 3 s 1204;

9 (2) RCW 43.280.081 (Office of crime victims advocacy--Reports on  
10 penalty assessments collection and use of funds for assistance to  
11 victims and witnesses of crime) and 1996 c 122 s 3;

12 (3) RCW 74.14B.060 (Sexually abused children--Treatment services)  
13 and 1996 c 123 s 8 & 1990 c 3 s 1402;

14 (4) RCW 70.125.040 (Coordinating office--Biennial statewide plan)  
15 and 1985 c 34 s 1 & 1979 ex.s. c 219 s 4;

16 (5) RCW 70.125.050 (Statewide program services) and 1979 ex.s. c  
17 219 s 5;

18 (6) RCW 70.125.055 (Financial assistance to rape crisis centers)  
19 and 1985 c 34 s 2; and

20 (7) RCW 70.125.080 (Community sexual assault programs--Victim  
21 advocates) and 1996 c 123 s 7 & 1991 c 267 s 3.

--- END ---