
Judiciary Committee

SSB 6498

Title: An act relating to testimonial privileges for alcohol and drug addiction recovery sponsors.

Brief Description: Concerning testimonial privileges for alcohol and drug addiction recovery sponsors.

Sponsors: Senate Committee on Law & Justice (originally sponsored by Senators Fain, Frockt, Pedersen, Angel and Rolfes).

Brief Summary of Substitute Bill

- Creates a testimonial privilege applicable in civil proceedings that prevents a person who acts as a sponsor in an alcohol or drug addiction recovery fellowship from testifying about communications made to him or her by a person he or she is sponsoring.

Hearing Date: 2/24/16

Staff: Omeara Harrington (786-7136).

Background:

The judiciary has inherent power to compel witnesses to appear and testify about relevant facts that are within the witness's knowledge. However, narrow exceptions to this rule have been developed through the common law and adopted in statute. These exceptions are "testimonial privileges," which prohibit disclosure of confidential communications made between persons occupying certain types of relationships.

Several categories of privilege have been recognized. Examples of privileged communications include communications between:

- attorneys and their clients;
- spouses;
- physicians, psychologists, or optometrists and their patients;

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- clergy and persons making a confession or sacred confidence;
- counselors and their clients; and
- sexual assault or domestic violence advocates and victims they are assisting.

Testimonial privileges vary in terms of the types of proceedings to which the privilege applies and as to who may assert and waive the privilege. As a general rule, privilege may only be claimed with respect to communications made on a confidential basis. Privileges are strictly construed, and in close cases courts tend to require disclosure.

Summary of Bill:

A testimonial privilege applicable to drug and alcohol program sponsors is created. A person who acts as a sponsor providing guidance, emotional support, and counseling in an individualized manner to another person who is participating in an alcohol or drug addiction recovery fellowship may not testify in a civil action or proceeding about any communication made by the person to the sponsor. The privilege may be waived upon written authorization by the person receiving the sponsorship, or, in the case of death or disability, the person's personal representative.

Appropriation: None.

Fiscal Note: Not requested.

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