

SENATE BILL REPORT

SB 6498

As Reported by Senate Committee On:
Law & Justice, February 3, 2016

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

Brief Description: Creating a testamentary privilege for alcohol or drug addiction recovery sponsors.

Sponsors: Senators Fain, Frockt, Pedersen, Angel and Rolfes.

Brief History:

Committee Activity: Law & Justice: 2/01/16, 2/03/16 [DPS].

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: That Substitute Senate Bill No. 6498 be substituted therefor, and the substitute bill do pass.

Signed by Senators Padden, Chair; O'Ban, Vice Chair; Pedersen, Ranking Minority Member; Darneille, Frockt, Pearson and Roach.

Staff: Lindsay Erickson (786-7465)

Background: Privileges Generally. The law protects certain communications from disclosure in the course of litigation, even though the communication might otherwise be admissible and helpful in arriving at the truth. These special protections are based upon a belief that certain communications should be encouraged by eliminating, or at least reducing, the possibility that they will be revealed in court.

The privileges apply to all stages of proceedings, including discovery and other proceedings in which the rules of evidence do not apply. Generally, privileges are strictly construed. In other words, in close cases, the courts tend to require disclosure.

Washington Privileges. Washington statutes make reference to the following privileges or privileged communications:

- Attorney-Client - see RCW 5.60.060(2).
- Clergyman or Priest - see RCW 5.60.060(3), 26.44.060, 70.124.060.
- Dispute Resolution Center - see RCW 7.75.050.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

- Counselor - see RCW 18.19.180.
- Higher Education Procedures - see RCW 28B.19.120(4).
- Spouse or Domestic Partner - see RCW 5.60.060(1), 26.20.071, 26.21A275(8).
- Interpreter in Legal Proceeding - see RCW 2.42.160; GR 11.1(e).
- Journalist - see RCW 5.68.010.
- Optometrist-Patient - see RCW 18.53.200, 26.44.060.
- Physician-Patient - see RCW 5.60.060(4), 26.26.120, 26.44.060, 51.04.050, 69.41.020, 69.50.403, 70.124.060, 71.05.250.
- Psychologist-Client - see RCW 18.83.110, 26.44.060, 70.124.060.
- Public Assistance Recipient - see RCW 74.04.060.
- Public Officer - see RCW 5.60.060(5).
- Registered Nurse - see RCW 5.62.010, 5.62.020, 5.62.030.

Summary of Bill: The bill as referred to committee not considered.

Summary of Bill (Recommended Substitute): A testimonial privilege is created for an individual who acts as a sponsor providing guidance, emotional support, and counseling in an individualized manner to a person participating in an alcohol or drug addiction recovery fellowship. The sponsor may not testify in any civil action or proceeding about any communication made by the person participating in the addiction recovery fellowship to the individual who acts as a sponsor except with the written authorization of that recovery participant or, in the case of death or disability, the recovery participant's personal representative.

EFFECT OF CHANGES MADE BY LAW & JUSTICE COMMITTEE (Recommended Substitute): Changes title to replace the word "testamentary" with "testimonial."

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: This bill provides a safe-harbor to people in drug and alcohol addiction programs. The language of this bill is narrowly drafted to apply only to civil proceedings, not criminal proceedings. This won't apply to just anyone that the recovery specialist is talking to. This bill protects the privacy of people in this sort of recovery and allows them to get help from people when they need it.

Persons Testifying: PRO: Mac Nicholson, King County; Jim Vollendroff, King County Dept. of Community Human Services.

Persons Signed In to Testify But Not Testifying: No one.