
HOUSE BILL 2570

State of Washington

64th Legislature

2016 Regular Session

By Representatives Taylor, Shea, MacEwen, Holy, Condotta, Rodne, G. Hunt, Young, and Haler

Read first time 01/15/16. Referred to Committee on Judiciary.

1 AN ACT Relating to limiting the subpoena power of special inquiry
2 judges; and amending RCW 10.27.170 and 10.29.050.

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

4 **Sec. 1.** RCW 10.27.170 and 1971 ex.s. c 67 s 17 are each amended
5 to read as follows:

6 (1) Except as provided in subsection (2) of this section, when
7 any public attorney, corporation counsel or city attorney has reason
8 to suspect crime or corruption, within the jurisdiction of such
9 attorney, and there is reason to believe that there are persons who
10 may be able to give material testimony or provide material evidence
11 concerning such suspected crime or corruption, such attorney may
12 petition the judge designated as a special inquiry judge pursuant to
13 RCW 10.27.050 for an order directed to such persons commanding them
14 to appear at a designated time and place in said county and to then
15 and there answer such questions concerning the suspected crime or
16 corruption as the special inquiry judge may approve, or provide
17 evidence as directed by the special inquiry judge.

18 (2) A public attorney, corporation counsel, city attorney,
19 special inquiry judge, or other person acting under the authority of
20 this section or chapter 10.29 RCW may not search or seize personal
21 banking records without: (a) The informed consent of the account

1 holder; (b) a warrant, based upon probable cause, describing the
2 person, place, or thing to be searched or seized; or (c) a legally
3 recognized exception to the warrant requirement.

4 **Sec. 2.** RCW 10.29.050 and 2010 c 8 s 1027 are each amended to
5 read as follows:

6 A statewide special inquiry judge shall have the following powers
7 and duties:

8 (1) To hear and receive evidence of crime and corruption.

9 (2) To appoint a reporter to record the proceedings; and to swear
10 the reporter not to disclose any testimony or the name of any witness
11 except as provided in RCW 10.27.090.

12 (3) Whenever necessary, to appoint an interpreter, and to swear
13 him or her not to disclose any testimony or the name of any witness
14 except as provided in RCW 10.27.090.

15 (4) When a person held in official custody is a witness before a
16 statewide special inquiry judge, a public servant, assigned to guard
17 him or her during his or her appearance may accompany him or her. The
18 statewide special inquiry judge shall swear such public servant not
19 to disclose any testimony or the name of any witness except as
20 provided in RCW 10.27.090.

21 (5) To cause to be called as a witness any person believed by him
22 or her to possess relevant information or knowledge, except as
23 limited by RCW 10.27.170(2). If the statewide special inquiry judge
24 desires to hear any such witness who was not called by the special
25 prosecutor, it may direct the special prosecutor to issue and serve a
26 subpoena upon such witness and the special prosecutor must comply
27 with such direction. At any time after service of such subpoena and
28 before the return date thereof, however, the special prosecutor may
29 apply to the statewide special inquiry judge for an order vacating or
30 modifying the subpoena on the grounds that such is in the public
31 interest. Upon such application, the statewide special inquiry judge
32 may in its discretion vacate the subpoena, extend its return date,
33 attach reasonable conditions to directions, or make such other
34 qualification thereof as is appropriate.

35 (6) Upon a showing of good cause may make available any or all
36 evidence obtained to any other public attorney, prosecuting attorney,
37 city attorney, or corporation counsel upon proper application and
38 with the concurrence of the special prosecutor. Any witness'
39 testimony, given before a statewide special inquiry judge and

1 relevant to any subsequent proceeding against the witness, shall be
2 made available to the witness upon proper application to the
3 statewide special inquiry judge. The statewide special inquiry judge
4 may also, upon proper application and upon a showing of good cause,
5 make available to a defendant in a subsequent criminal proceeding
6 other testimony or evidence when given or presented before a special
7 inquiry judge, if doing so is in the furtherance of justice.

8 (7) Have authority to perform such other duties as may be
9 required to effectively implement this chapter, in accord with rules
10 adopted by the supreme court relating to these proceedings.

11 (8) Have authority to hold in contempt of court any person who
12 shall disclose the name or testimony of a witness examined before a
13 statewide special inquiry judge except when required by a court to
14 disclose the testimony given before such statewide special inquiry
15 judge in a subsequent criminal proceeding.

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