

ESSB 6068 - H COMM AMD  
By Committee on Judiciary

ADOPTED 02/27/2018

1 Strike everything after the enacting clause and insert the  
2 following:

3 "NEW SECTION. **Sec. 1.** A new section is added to chapter 4.24  
4 RCW to read as follows:

5 (1) In any civil judicial or administrative action relating to  
6 sexual harassment or sexual assault, a nondisclosure policy or  
7 agreement that purports to limit the ability of any person to produce  
8 evidence regarding past instances of sexual harassment or sexual  
9 assault by a party to the civil action does not affect discovery or  
10 the availability of witness testimony relating to that civil action.  
11 Any provision of a nondisclosure policy or agreement including any  
12 arbitration agreement or decision that would limit, prevent, or  
13 punish such disclosure is contrary to public policy and  
14 unenforceable. However, the court or presiding officer shall enter  
15 appropriate orders upon motion of any party supported by affidavit or  
16 sworn declaration, or without motion but on the court's or presiding  
17 officer's own accord, to ensure that the identity of any person who  
18 is or is alleged to be a victim of sexual harassment or sexual  
19 assault is not made public as a result of a disclosure made under  
20 this section, unless such person consents.

21 (2) The provisions of this section do not alter admissibility  
22 standards of evidence for the court or presiding officer to decide  
23 whether the probative value of evidence offered outweighs the  
24 potential prejudice.

25 NEW SECTION. **Sec. 2.** This act applies to actions pending as of  
26 the effective date and actions filed after the effective date."

27 Correct the title.

EFFECT: Retains the underlying bill with the following changes:

(1) Makes the provisions applicable to both judicial and  
administrative actions.

(2) Refers to "sexual assault" rather than "assault."

(3) Makes the act applicable to actions pending as of the effective date and actions filed after the effective date.

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