

SB 5280 - H AMD TO HSEL COMM AMD (H-1741.1/23) **579**

By Representative Dent

NOT ADOPTED 04/11/2023

1 On page 2, line 38 of the striking amendment, after "imam," strike
2 "elder,"

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4 On page 6, line 3 of the striking amendment, after "practitioner,"
5 strike "member of the clergy,"

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7 On page 8, line 3 of the striking amendment, after "(g)" insert
8 "(i) The reporting requirement in (a) of this subsection also applies
9 to members of the clergy, except with regard to information that a
10 member of the clergy obtains in the member's professional character as
11 a religious or spiritual advisor when the information is obtained
12 solely as a result of a confession made pursuant to the clergy-
13 penitent privilege as provided in RCW 5.60.060(3), and the member of
14 the clergy is authorized to hear such confession, and has a duty under
15 the discipline, tenets, doctrine, or custom of the member's church,
16 religious denomination, religious body, spiritual community, or sect
17 to keep the confession secret. The clergy-penitent privilege does not
18 apply and the member of the clergy shall report child abuse or neglect
19 if the member of the clergy has received the information from any
20 source other than from a confession.

21 (ii) Nothing in this subsection (1)(g) limits a member of the
22 clergy's duty to report child abuse or neglect when the member of the
23 clergy is acting in some other capacity that would otherwise require
24 them to make a report.

25 (h)"

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1 On page 15, after line 15 of the striking amendment, insert the
2 following:

3 "NEW SECTION. Sec. 3. A new section is added to chapter 44.28 RCW
4 to read as follows:

5 (1) The joint committee must review the individuals who are
6 required to report child abuse or neglect as provided under RCW
7 26.44.030 and provide recommendations regarding:

8 (a) Whether there should be any modification to those identified
9 as mandated reporters; and

10 (b) Whether the individuals identified as mandated reporters
11 should be required to report child abuse and neglect information
12 obtained solely as a result of a privileged communication as provided
13 under RCW 5.60.060.

14 (2) The joint committee must report its findings required under
15 this section to the appropriate committees of the legislature by
16 December 1, 2023.

17 (3) This section expires June 30, 2024."

EFFECT: Makes the following changes to the underlying bill:

(1) Allows members of the clergy to not report child abuse or neglect if the information is obtained in the clergy member's professional character as a religious or spiritual advisor when the information is obtained solely as a result of a confession made under clergy-penitent privilege, and the clergy member is authorized to hear the confession and has a duty under the doctrine or custom of the clergy member's church to keep the confession secret.

(2) Requires that a member of the clergy report child abuse or neglect if the clergy member has received the information from any source other than a confession.

(3) Removes "elder" from the definition of "member of the clergy."

(4) Requires that the Joint Legislative Audit and Review Committee provide recommendations on modifying the list of individuals identified as mandated reporters of child abuse and neglect and whether those individuals should be required to report child abuse and neglect information obtained solely as a result of a privileged communication and report its findings to the Legislature by December 1, 2023.

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