



Bill Title: Privilege for Peer Support Group Counselors

Bill Number: HB 2611

Effective Date: June 7, 2018

Amends: RCW 5.60.060

Background

The judicial system has the inherent power to compel witnesses to appear and testify in judicial proceedings. State law provides specific exceptions to who may be compelled to testify – known as testimonial privileges. Communication within these specified relationships is privileged. Examples of existing exceptions include married partners, attorney/client, and doctor/patient relationships, among others.

General authority law enforcement officers – officers commissioned to enforce the state's criminal laws generally – when involved in an incident that occurred while acting in his or her official capacity, may speak to a peer support group counselor. This communication is also privileged under current law.

Summary

- Limited authority Washington peace officers and their communication with peer support group counselors is added to the list of testimonial privileges.
- As a result, communication with a peer support group counselor regarding any incident occurring while the limited authority peace officer was acting in his or her official capacity is protected and cannot be compelled in court.
- Enforcement officers of the Washington State Liquor and Cannabis Board are included in the definition of limited authority Washington peace officers.
- Enforcement officers of several other state agencies are also covered under the bill, including Department of Natural Resources, Department of Corrections, Parks and Recreation Commission and others.
- For purposes of newly covered agencies, a peer group support counselor is a person who has received training to provide emotional and moral support and counseling to an officer acting in his or her official capacity. The counselor may be a limited authority law enforcement officer, a civilian employee of a state agency or a nonemployee counselor designated by a state agency.

Contact Information:

For specific questions, please contact LCB Enforcement and Education at 360-664-1600 or lcb.wa.gov.